LAKE DISTRICT NATIONAL PARK AUTHORITY

DEVELOPMENT CONTROL COMMITTEE – WEDNESDAY 2 DECEMBER 2009

REPORT BY THE HEAD OF DEVELOPMENT MANAGEMENT

PLANNING APPLICATIONS

SOUTH LAKELAND DISTRICT (PINK SHEETS)
Lake District NPA Development Control Committee – Wednesday December 2 2009

Application no: 7/2009/5428
Applicant: Mr J Barratt
Date of Application: 6 August 2009
Type of Application: Full

Location: The Clock Tower, Off B5278, Adjacent To Road Leading In to Low Wood, Haverthwaite, Near Ulverston, Cumbria
Grid Reference: 334659 483673 See Plan

Proposal: Alterations, renovation and extension to the existing Clock Tower, conversion of two free standing garages into B1 office units. External works such as bin stores, fencing and formalisation of parking around the building.

District Council: 
Parish Council: Grant/approve
Highway Authority: Grant/approve with conditions, Comments

**RECOMMENDATION:** APPROVE with conditions

**REPORT:**

1 BACKGROUND AND PROPOSAL

1.1 The application is being brought to committee due to the archaeological significance of the site and Member interest.

History of the site

1.2 At the Committee site inspection Members asked for a summary of the history of the Gunpowder site. The following is an extract from the English Heritage publication “Lowwood Gunpowder Works and Ironworks and the workers’ hamlet of Low Wood, Cumbria and archaeological and architectural survey.”

1.3 The Lowwood works is one of seven powder manufactories which operated in the historic counties of Westmorland and the Furness area of Lancashire at various times between c1764 and 1936.

1.4 The Lowwood gunpowder works was built around the site of an 18th Century blast furnace forge complex, itself allegedly on the site of an earlier bloomery forge,

1.5 During World War II the disused works became an army base or camp for Italian prisoners of war. In 1952/3 a hydro electric station was constructed close to the end of the tailrace in order to generate power for the National Grid, and the consequent re-routing of part of the headrace led to the
demolition and/or burial of several former gunpowder structures. Further structures were demolished in 1965.

1.6 In 1999 Lowwood was identified by English Heritage as the 'best northern example of surviving' of a gunpowder factory with an 'exceptional range of components and intact layout with good surviving building groups'. Although a large part of the Lowwood site is designated as a Scheduled Monument however the application site is not but is a Grade II listed group of buildings.

Use of the site

1.7 The Clock Tower is a large building where there is a collection of light industrial units and a retail unit which has been established for many years. The retail unit gained consent in 1984.

1.8 During the 1980's and 1990's a number of temporary consents were given for the remaining area of the main Clock Tower building not allocated for retail use. The consents were for the use of the building as B2 which is general industry.

1.9 Although no formal consent has been sought to establish the use of the building as B1 (Light Industry) units details have been submitted which establish that the building (excluding the retail areas) has been used as B1 uses for at least a 10 year period. There are currently 8 separate B1 units within the main building. I consider that the lawful use of the site is that of a B1 use with an established retail area.

1.10 There are also two detached garage buildings which are located adjacent to the main Clock Tower building. These were originally cooperage buildings with the larger of the two being used as a box making building in association with the works and the smaller one as an office in 1928. In the 1950's these were converted into garages to be used in association with the main Clock Tower building.

1.11 Although the site is not an ancient scheduled monument it has high archaeological value with specific reference to the burners which remain on the ground floor along with the boiler man's passage.

Proposal

1.12 This application seeks full planning permission for the following:

a) Conversion of two detached garage buildings to create two B1 units
b) Internal and External alterations to the main Clock Tower building including the erection of an extension
c) Surfacing of the existing parking areas to delineate the parking spaces to result in 45 spaces and erection of 6 bin stores.

    a) Conversion of two detached garage buildings to create two B1 units
1.13 The conversion of the two garage buildings to create two B1 units. The existing plans refer to the large garage as garage 1 and the smaller one as garage 2, therefore for ease I will refer to the garages as such.

Garage 1

1.14 Garage 1 has three large vehicle width openings on the front elevation and five blocked up openings on the rear elevation.

1.15 The scheme proposes the following changes to garage 1:

- Block up one of the large openings with stone to match the existing building
- Glaze one of the large openings
- Partially glaze one opening to include a timber single door
- Re-opening of two blocked up windows on the rear
- Re-opening of two windows on the rear to include the raising of the cills
- Re-opening of the rear pedestrian door to include three steps to lead into the garden area behind the building.

Garage 2

1.16 Garage 2 has two large vehicle openings on the front and one pedestrian sized door to the side

1.17 The scheme proposes the following changes in relation to garage 2:

- Blocking of one large opening on front with glazing
- Partial blocking of other large opening on front with stone to match, glazing and a timber door.
- Glazing of the side door.

b) Internal and External alterations to the main Clock Tower building including the erection of an extension

Internal alterations

1.18 The proposal would result in 14 units in total on the site with unit 1 and 2 being proposed in the converted garages with units 3 to 14 being located within the main Clock Tower building.

- A number of internal alterations are proposed which includes the insertion of a number of partition walls to create 12 units within the main Clock Tower building. Units 13, 14 and part of units 11 and 12 would remain retail with the remaining units remaining B1.
- Mezzanine floors are proposed above units 3, 4, 13 and 14 to allow for additional storage space.
- Internal partitions are also proposed to create 11 separate WC to serve all of the units.
- A smoke screen and fire screen are proposed within the Burner passageway
• A stair case is proposed to link the ground and first floors which would be
located of the Burner passageway

External alterations

1.19 There are also a number of windows which have been blocked internally
using block walls but still appear as windows from the outside, which as a
result of this proposal would be reopened.

1.20 The other major changes to the external appearance of the Clock Tower
building are a link extension to provide a corridor and toilet facilities to the two
single storey parts of the Clock Tower building.

1.21 The link extension would link units 7 with 3 and 4. The building would be 11m
long with a width of 3m and have an extremely low pitched roof made of a
lightweight sheet material. The exact details of the roof material would need
to be conditioned to allow a sample to be assessed.

1.22 The large opening on the gable of the single storey structure is also to be
blocked up although the main large wooden door is to be retained as this is
part of the character and functional use of the historical building.

1.23 A number of new windows would be proposed to the main building to
replicate the existing windows.

c) Surfacing of the existing parking areas to delineate the parking
spaces to result in 45 spaces and Erection of 6 bin stores

1.24 The scheme also proposes the surfacing of the existing parking areas and the
erection of two bin stores within the grounds of the site.

1.25 The exact details of the type of surfacing would need to be conditioned as the
application refers to a tarmac surface for the road and gravel for the car
parking spaces.

1.26 The bin stores would measure 1.4m by 1m and four would be located in the
southeast part of the site and the remaining two would be located in the
western part of the site.

2 REPRESENTATIONS

2.1 This application has been advertised by means of a site notice erected at the
entrance to the site on the main Parish Board. As a result of the consultation
one letter of objection has been received. A further letter has been received
from another tenant concerned that the he would be unable to remain due to
the B1 uses proposed.

2.2 It would appear that the tenant has a B1 use of a Gas fitter and therefore he
would be able to remain.

2.3 The letter of objection is from the current occupier of the retail unit. His
objection was based on the original proposal to remove the retail unit from the
building. This has now been withdrawn. I have reconsulted him in relation to
the revised scheme and he has confirmed receipt of the consultation but has requested an extension of time to consider the changes as he is on holiday; therefore at the time of writing this report no further comment has been received.

2.4 Haverthwaite Parish Council fully approves the applications.

2.5 The Highways Authority originally requested additional information in relation to traffic movement; however they have confirmed no objections to the proposal subject to a number of conditions relating to the access.

3 POLICIES & ASSESSMENT

3.1 The relevant North West of England Plan Regional Spatial Strategy to 2021 Policies are:

- DP 5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility)
- DP 7 (Promote Environmental Quality)
- RDF 2 (Rural Areas)
- EM 1 (Integrated Enhancement and Protection of the Region’s Environmental Assets)

3.2 The relevant saved Lake District National Park Local Plan Policies are:

- NE1 (Development in Open Countryside)
- NE15 (Protection of Archaeological Sites)
- BE1 (Roof and Wall Materials)
- BE13 (Alterations and Extensions of Listed Buildings)
- E1 (Existing Employment Sites)
- C7 (Requirements for all Conversions)

3.3 The main issues are set out below:

Is the principle of extending the B1 use on the site acceptable?

3.4 As the buildings are located in the open countryside the main policies are NE1 of the Lake District National Park Local Plan and RDF2 of the Regional Spatial Strategy.

3.5 Policy NE1 requires that development in the open countryside is closely integrated within existing uses and would not adversely affect the character of the surrounding area.

3.6 Policy RDF2 requires that development outside of Key and Local Service Centres should either sustain existing businesses or be an extension of an existing building or involve the appropriate change of use of an existing building.

3.7 As the site is an existing employment site Policy E1 of the Local Plan is also relevant. This states that the extension of existing B1 sites is acceptable subject to a number of criteria including impact on the building and

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surrounding area in visual terms, highways and neighbour implications, these issues will be considered further within this report.

3.8 The principle of converting the two garage buildings and the extension are considered acceptable as they sustain an existing business and are also an extension to an existing established business in accordance with criteria a of Policy NE1 and Policy RDF2.

3.9 Due to the fact that there is an established B1 use on the site and the garages are closely related to the main Clock Tower building in my opinion the change of use is an appropriate change of use in accordance with Policy RDF2.

Would the proposal adversely affect the character of the listed buildings?

3.10 There are a number of Policies both within the Lake District National Park Local Plan and Regional Spatial Strategy which are relevant to this section of the report.

3.11 Policy DP7 has a number of criterion with the relevant ones being that new development understands and respects the character and distinctiveness of places and landscapes and that development protects and enhances the historic environment.

3.12 Policy EM1C requires that proposals protect, conserve or enhance the historic environment.

3.13 Policy BE13 requires that alterations and extensions to listed buildings pay regard to the scale, proportions, character and detailing both internally and externally.

3.14 Policy C7 requires that the conversion of buildings respects the character and should be capable of conversion without major alterations or extensions.

3.15 The two cooperage buildings were drastically altered in the 1950's when they were made into garages. This created the large openings for vehicles which to a degree affected their character. Although not original our Buildings and Conservation Advisor during the pre-application stage required the retention of these large openings as far as practically possible. He considered this helped to retain the character. The proposal has adopted this approach and attempted to retain as many of the openings as possible with the use of glazing.

3.16 In my opinion the conversion of the garage buildings has respected the character of the building due to the simple design without the need for major alterations and is therefore in accordance with Policies DP7 and EM1C of the Regional Spatial Strategy and Policies BE13 and C7 of the Local Plan.

3.17 The internal changes to the main Clock Tower building have been designed to ensure that the integrity of the tower, the boiler passageway and the
burners has been retained and enhanced. The main burner passage would be the main entrance to the main building.

3.18 As a result of building regulations two screens are proposed within the burner passageway. In order to ensure that the open nature of the passageway is maintained I have requested further details by condition.

3.19 The external changes to the main building involve the removal of modern additions such as the roller shutters and the reopening of the blocked up windows. In addition the opening up of some of the Burners helps to enhance the character of this listed building.

3.20 The balcony and steps located in the northeast area of the building will be retained as will the ramp and some steps which serve the retail unit. The historical importance of this area is unknown and further investigation by our Buildings and Conservation Advisor and Archaeologist is required prior to any works being carried out on this area. In order to allow this to be carried out this part of the scheme has been revised to retain the majority of the steps and balcony. The only alteration being the removal of part of the more modern decking structure. Should further changes be required to the steps or the balcony then a separate application would be required.

3.21 The link extension proposed is an extremely low pitched roof. Although this would be unusual I consider it to be acceptable because it would not adversely affect the architectural integrity of the building. The details of the surface water system for the extension have not been submitted and it is considered necessary to condition this to ensure that an acceptable system can be designed.

3.22 In my opinion both the internal and external alterations to the main Clock Tower building not only respects the character of this listed building but also enhances the building in accordance with Policies DP7 and EM1C of the Regional Spatial Strategy and Policy BE13 of the Local Plan.

3.23 Due to the position and small scale of the proposed bin stores being located away from the listed buildings it is considered that these would not adversely affect the character of the buildings or the area.

3.24 Both our Archaeologist and Buildings and Conservation Advisor are satisfied that the proposal would not adversely affect the architectural and historic character of the building and provides an opportunity to secure their long term retention.

**Would the proposal adversely affect the archaeological interest on the site?**

3.25 Policy NE15 is the most relevant Policy in relation to this issue. NE15 requires that the character and setting of a site of national importance is not adversely affected. Although there are parts of the Gunpowder site which are designated as an Ancient Monument the application site is not. The buildings however are of national importance, but I am satisfied that this development will not be detrimental to their character and setting.
3.26 Our Archaeologist has suggested that this proposal represents a good opportunity to enhance the importance of the archaeological features possibly by interpretation panels within the main passageway. I have conveyed this to the applicant and made it a condition of the approval.

3.27 I believe that the proposal complies with the aims and objectives of Policy NE15.

Would the proposal adversely affect the highway safety of the area?

3.28 The parking areas are proposed to be clearly defined and resurfaced. The details submitted are to use tarmac for the drive and gravel for the parking areas. I am proposing a condition to ensure that its appearance is acceptable.

3.29 I am satisfied that there is adequate parking on the site.

3.30 In relation to the access arrangement a one way system is proposed which would ensure a safe flow of traffic. The Highways Authority considers this to be acceptable.

Would the proposal adversely affect neighbouring properties?

3.31 The principle of B1 uses is considered acceptable adjacent to residential properties. Therefore I believe that the extension of this use is appropriate to the area. It would not in my opinion adversely affect the amenity of the neighbouring residents.

3.32 The concern expressed by the tenant of one of the existing business units has I believe been met by the retention of the retail unit. However the issue of which tenant succeeds another is a matter for the owner and is not a material planning consideration.

4 CONCLUSION

4.1 In conclusion the existing use on the site is that of an established B1 use with an element of retail. The principle of the proposal of increasing the number of B1 units on the site is in I believe supported by Policies NE1, RDF2 and E1.

4.2 The internal and external changes would in my opinion enhance the character of the buildings and accord with Policies NE15 and BE13.

4.3 The improved access arrangements would ensure that the highway safety of the areas is not affected.

Committee is recommended to:

APPROVE with conditions

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1. The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

   REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2. The access drive shall be surfaced in bituminous or cement bound materials, or otherwise bound and shall be constructed and completed before the conversion of the garages is brought into use. The surfacing shall extend for a distance of at least 5 metres as measured from the carriageway edge of the adjacent highway.

   REASON: To prevent the spread of loose material onto the county road in the interests of highway safety.

3. Acess gates, if provided, shall be hung to open inwards only away from the highway, be recessed no less than 4.5m as measured from teh carriageway edge of the adjacent highway and shall incorporate 45 degree splays to each side.

   REASON: In the interests of highway safety.

4. The gradient of the access drive shall be no steeper than 1 in 15 for a distance not less than 5 metres as measured from the carriageway edge of the adjacent highway.

   REASON: In the interests of highway safety.

5. Details of all measures to be taken by the applicant/developer to prevent surface water discharging onto the highway shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented prior to the development being completed and shall be maintained operational thereafter.

   REASON: In the interests of highway safety and to minimise potential hazards.

6. Prior to the commencement of the development hereby approved the surface water details shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented prior to the development being completed and shall be maintained operational thereafter. The details shall include the rainwater goods proposed for the new extension.

   REASON: To ensure the appearance of the listed building is not adversely affected by the rainwater system in accordance with Policy BE13.

7. No work shall commence on the creation of the parking areas and driveway unless and until full details of paving materials have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.
8. Prior to the commencement of the works to the Burners, Burner passageway and Boiler Passageway as indicated on plan 4695/P/01 full details of materials, sections and the interpretation works shall be submitted to and approved in writing to the Local Planning Authority, thereafter implemented in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that the details of archaeological significance are protected and enhanced

9. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be carried out otherwise than in complete conformity with the amended plan (No: 4695/P/01) received by the Local Planning Authority on 27 October 2009.

REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.

10. The rooflight shall be recessed into the roof plane such that no part projects above the surface of the roofing slates.

REASON: To safeguard the character and appearance of this listed building by ensuring that the rooflight does not appear as an unduly conspicuous feature in accordance with Policy BE13 of the Lake District National Park Local Plan.

11. Prior to the commencement of the works hereby granted there shall be submitted to and approved in writing by the Local Planning Authority details/samples of the following matters:

i) the materials of construction of [external walls/internal walls/windows/doors/framing/rainwater and external sanitary goods/roofs];

ii) the design, style and finished appearance of [windows, doors, framing, window surrounds, mullions, lintels, sills, joinery, mouldings, rainwater and external sanitary goods, roofs].

The details should include a detail at 1:50 of the profiles of the doors and windows

Thereafter the works shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of this listed building in accordance with Policy BE13 of the Lake District National Park Local Plan.
Summary of Reasons for Approval

Having regard to the relevant planning policies, in particular Lake District National Park Local Plan Policies NE1 (Development in Open Countryside), NE15 (Protection of Archaeological Sites), BE1 (Roof and Wall Materials), BE13 (Alterations and Extensions of Listed Buildings), E1 (Existing Employment Sites), E3 (Re-use of Buildings), C7 (Requirements for all Conversions) and Regional Spatial Strategy Policies DP5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility), DP7 (Promote Environmental Quality), RDF2 (Rural Areas) and EM1 (Integrated Enhancement and Protection of the Region’s Environmental Assets) and all other material planning considerations, the proposal is considered to be acceptable subject to the conditions imposed.

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
Application no: 7/2009/5429
Applicant: Mr J Barratt
Date of Application: 6 August 2009
Type of Application: Listed Building

Location: The Clock Tower, Off B5278, adjacent to road leading in to Low Wood, Haverthwaite, Near Ulverston, Cumbria
Grid Reference: 334659 483673  See Plan

Proposal: Alterations, renovation and extension to the existing Clock Tower, conversion of two free standing garages into B1 office units. External works such as bin stores, fencing and formalisation of parking around the building

District Council:
Parish Council:
Highway Authority:

**RECOMMENDATION:** APPROVE with conditions

**REPORT:**

1 **BACKGROUND AND PROPOSAL**

1.1 The application is being brought to committee due to the archaeological significance of the site and Member interest.

**History of the site**

1.2 At the Committee site inspection Members asked for a summary of the history of the Gunpowder site. In order to avoid duplication this can be found in report 7/2009/5428.

**Use of the site**

1.3 The Clock Tower is a large building where there is a collection of light industrial units and a retail unit which has been established for many years. The retail unit gained consent in 1984.

1.4 During the 1980’s and 1990’s a number of temporary consents were given for the remaining area of the main Clock Tower building not allocated for retail use. The consents were for the use of the building as B2 which is general industry.

1.5 Although no formal consent has been sought to establish the use of the building as B1 (Light Industry) units details have been submitted which
establish that the building (excluding the retail areas) has been used as B1 uses for at least a 10 year period. There are currently 8 separate B1 units within the main building. I consider that the lawful use of the site is that of a B1 use with an established retail area.

1.6 There are also two detached garage buildings which are located adjacent to the main Clock Tower building. These were originally cooperage buildings with the larger of the two being used as a box making building in association with the works and the smaller one as an office in 1928. In the 1950's these were converted into garages to be used in association with the main Clock Tower building.

1.7 Although the site is not an ancient scheduled monument it has high archaeological value with specific reference to the burners which remain on the ground floor along with the boiler man's passage.

Proposal

1.8 This application seeks listed building consent for the following:

   a) Conversion of two detached garage buildings to create two B1 units
   b) Internal and External alterations to the main Clock Tower building including the erection of an extension

1.9 The conversion of the two garage buildings to create two B1 units. The existing plans refer to the large garage as garage 1 and the smaller one as garage 2, therefore for ease I will refer to the garages as such.

Garage 1

1.10 Garage 1 has three large vehicle width openings on the front elevation and five blocked up openings on the rear elevation.

1.11 The scheme proposes the following changes to garage 1:

   • Block up one of the large openings with stone to match the existing building
   • Glaze one of the large openings
   • Partially glaze one opening to include a timber single door
   • Re-opening of two blocked up windows on the rear
   • Re-opening of two windows on the rear to include the raising of the sills
   • Re-opening of the rear pedestrian door to include three steps to lead into the garden area behind the building.

Garage 2

1.12 Garage 2 has two large vehicle openings on the front and one pedestrian sized door to the side

1.13 The scheme proposes the following changes in relation to garage 2:
• Blocking of one large opening on front with glazing
• Partial blocking of other large opening on front with stone to match, glazing and a timber door.
• Glazing of the side door.

b) Internal and External alterations to the main Clock Tower building including the erection of an extension

Internal alterations

1.14 The proposal would result in 14 units in total on the site with unit 1 and 2 being proposed in the converted garages with units 3 to 14 being located within the main Clock Tower building.

• A number of internal alterations are proposed which includes the insertion of a number of partition walls to create 12 units within the main Clock Tower building. Units 13, 14 and part of units 11 and 12 would remain retail with the remaining units remaining B1.
• Mezzanine floors are proposed above units 3, 4, 13 and 14 to allow for additional storage space.
• Internal partitions are also proposed to create 11 separate WC to serve all of the units.
• A smoke screen and fire screen are proposed within the Burner passageway
• A stair case is proposed to link the ground and first floors which would be located of the Burner passageway

External alterations

1.15 There are also a number of windows which have been blocked internally using block walls but still appear as windows from the outside, which as a result of this proposal would be reopened.

1.16 The other major changes to the external appearance of the Clock Tower building are a link extension to provide a corridor and toilet facilities to the two single storey parts of the Clock Tower building.

1.17 The link extension would link units 7 with 3 and 4. The building would be 11m long with a width of 3m and have an extremely low pitched roof made of a lightweight sheet material. The exact details of the roof material would need to be conditioned to allow a sample to be assessed.
1.18 The large opening on the gable of the single storey structure is also to be blocked up although the main large wooden door is to be retained as this is part of the character and functional use of the historical building.

1.19 A number of new windows would be proposed to the main building to replicate the existing windows.

2 REPRESENTATIONS
2.1 This application has been advertised by means of a site notice erected at the entrance to the site on the main Parish Board. As a result of the consultation one letter of objection has been received. A further letter has been received from another tenant concerned that the he would be unable to remain due to the B1 uses proposed.

2.2 It would appear that the tenant has a B1 use of a Gas fitter and therefore he would be able to remain.

2.3 The letter of objection is from the current occupier of the retail unit. His objection was based on the original proposal to remove the retail unit from the building. This has now been withdrawn. I have reconsulted him in relation to the revised scheme and he has confirmed receipt of the consultation but has requested an extension of time to consider the changes as he is on holiday; therefore at the time of writing this report no further comment has been received.

2.4 Haverthwaite Parish Council fully approves the applications.

2.5 The Highways Authority originally requested additional information in relation to traffic movement; however they have confirmed no objections to the proposal subject to a number of conditions relating to the access.

3 POLICIES & ASSESSMENT

3.1 The relevant North West of England Plan Regional Spatial Strategy to 2021 Policies are:

- DP 7 (Promote Environmental Quality)
- EM 1 (Integrated Enhancement and Protection of the Region's Environmental Assets)

3.2 The relevant saved Lake District National Park Local Plan Policies are:

- NE15 (Protection of Archaeological Sites)
- BE1 (Roof and Wall Materials)
- BE13 (Alterations and Extensions of Listed Buildings)
- C7 (Requirements for all Conversions)

3.3 The main issues are set out below:

Would the proposal adversely affect the character of the listed buildings?

3.4 There are a number of Policies both within the Lake District National Park Local Plan and Regional Spatial Strategy which are relevant to this section of the report.

3.5 Policy DP7 has a number of criterion with the relevant ones being that new development understands and respects the character and distinctiveness of places and landscapes and that development protects and enhances the historic environment.
3.6 Policy EM1C requires that proposals protect, conserve or enhance the historic environment.

3.7 Policy BE13 requires that alterations and extensions to listed buildings pay regard to the scale, proportions, character and detailing both internally and externally.

3.8 Policy C7 requires that the conversion of buildings respects the character and should be capable of conversion without major alterations or extensions.

3.9 The two cooperage buildings were drastically altered in the 1950's when they were made into garages. This created the large openings for vehicles which to a degree affected their character. Although not original our Buildings and Conservation Advisor during the pre-application stage required the retention of these large openings as far as practically possible. He considered this helped to retain the character. The proposal has adopted this approach and attempted to retain as many of the openings as possible with the use of glazing.

3.10 In my opinion the conversion of the garage buildings has respected the character of the building due to the simple design without the need for major alterations and is therefore in accordance with Policies DP7 and EM1C of the Regional Spatial Strategy and Policies BE13 and C7 of the Local Plan.

3.11 The internal changes to the main Clock Tower building have been designed to ensure that the integrity of the tower, the boiler passageway and the burners has been retained and enhanced. The main burner passage would be the main entrance to the main building.

3.12 As a result of building regulations two screens are proposed within the burner passageway. In order to ensure that the open nature of the passageway is maintained I have requested further details by condition.

3.13 The external changes to the main building involve the removal of modern additions such as the roller shutters and the reopening of the blocked up windows. In addition the opening up of some of the Burners helps to enhance the character of this listed building.

3.14 The balcony and steps located in the northeast area of the building will be retained as will the ramp and some steps which serve the retail unit. The historical importance of this area is unknown and further investigation by our Buildings and Conservation Advisor and Archaeologist is required prior to any works being carried out on this area. In order to allow this to be carried out this part of the scheme has been revised to retain the majority of the steps and balcony. The only alteration being the removal of part of the more modern decking structure. Should further changes be required to the steps or the balcony then a separate application would be required.

3.15 The link extension proposed is an extremely low pitched roof. Although this would be unusual I consider it to be acceptable because it would not adversely affect the architectural integrity of the building. The details of the
surface water system for the extension have not been submitted and it is considered necessary to condition this to ensure that an acceptable system can be designed.

3.16 In my opinion both the internal and external alterations to the main Clock Tower building not only respects the character of this listed building but also enhances the building in accordance with Policies DP7 and EM1C of the Regional Spatial Strategy and Policy BE13 of the Local Plan.

3.17 Due to the position and small scale of the proposed bin stores being located away from the listed buildings it is considered that these would not adversely affect the character of the buildings or the area.

3.18 Both our Archaeologist and Buildings and Conservation Advisor are satisfied that the proposal would not adversely affect the architectural and historic character of the building and provides an opportunity to secure their long term retention.

4 CONCLUSION

4.1 The internal and external changes would in my opinion enhance the character of the buildings and accord with Policies NE15 and BE13.

Committee is recommended to:

APPROVE with conditions

1. The works hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

   REASON: To comply with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

2. No work shall commence on the creation of the parking areas unless and until full details of paving materials have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved.

   REASON: To safeguard the visual amenities of the area.

3. Prior to the commencement of the works hereby granted there shall be submitted to and approved in writing by the Local Planning Authority details/samples of the following matters:

   i) the materials of construction of [external walls/internal walls/windows/doors/framing/rainwater and external sanitary goods/roofs];

   ii) the design, style and finished appearance of [windows, doors, framing, window surrounds, mullions, lintels, sills, joinery, mouldings, rainwater and external sanitary goods, roofs].
The details should include a detail at 1:50 of the profiles of the doors and windows

Thereafter the works shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of this listed building in accordance with Policy BE13 of the Lake District National Park Local Plan.

4. The rooflight shall be recessed into the roof plane such that no part projects above the surface of the roofing slates.

REASON: To safeguard the character and appearance of this listed building by ensuring that the rooflight does not appear as an unduly conspicuous feature in accordance with Policy BE13 of the Lake District National Park Local Plan.

5. Prior to the commencement of the works to the Burners, Burner passageway and Boiler Passageway as indicated on plan 4695/P/01 full details of materials, sections and the interpretation works shall be submitted to and approved in writing to the Local Planning Authority, thereafter implemented in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that the details of archaeological significance are protected and enhanced.

6. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be carried out otherwise than in complete conformity with the amended plan (No: 4695/P/01) received by the Local Planning Authority on 27 October 2009.

REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.

7. Prior to the commencement of the development hereby approved the surface water details shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented prior to the development being completed and shall be maintained operational thereafter. The details shall include the rainwater goods proposed for the new extension.

REASON: To ensure the appearance of the listed building is not adversely affected by the rainwater system in accordance with Policy BE13.

**Summary of Reasons for Approval**

Having regard to the relevant planning policies, in particular Lake District National Park Local Plan Policies BE1 (Roof and Wall Materials), BE13 (Alterations and Extensions of Listed Buildings), C7 (Requirements for all Conversions) and Regional
Spatial Strategy Policies DP 7 (Promote Environmental Quality), and EM1 (Integrated Enhancement and Protection of the Region’s Environmental Assets) and all other material planning considerations, the proposal is considered to be acceptable subject to the conditions imposed.

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
Application no: 7/2009/5440
Applicant: Langdale Leisure Ltd
Date of Application: 15 August 2009
Type of Application: Full

Location: Langdale Hotel and Country Club, Great Langdale, Ambleside, Cumbria, LA22 9JD
Grid Reference: 332692 504988 See Plan

Proposal: Erection of 1 no timeshare lodge incorporating the existing structure known as The Fort.

District Council: Not consulted
Parish Council: No objection
Highway Authority: No objection

RECOMMENDATION: APPROVE with conditions

REPORT:

1 BACKGROUND AND PROPOSAL

1.1 I am reporting this application to Committee as the application represents a departure from the Development Plan.

1.2 The Langdale Estate comprises 35 acres, with 81 timeshares units, 57 no bedroom hotel, 2 restaurants and bar, leisure club and conference facilities, staff accommodation and ancillary facilities. The estate also owns properties outside the main complex at Elterwater Hall and Wainwright's Inn. The estate is now owned by Langdale Owners PLC, the shareholders of which are all Langdale timeshare owners.

1.3 The location of this development for one timeshare unit is on the south east part of the site known as the Fort. The Fort is a ruin of a stone building which was once used as kennels for the guard dogs for the gunpowder works. This is a single storey structure with an enclosed yard area to the west. The Fort is adjacent to another site for timeshare units also for consideration at this meeting (7/2009/5441-Dog Kennel Corner). The immediate area has many conifer trees and the development would require the removal of 9 of them. There are trees along the boundary of the site with the main Langdale road and the road to Elterwater village. These are mainly conifers but some are deciduous which provide a good screening in summer but a few gaps in winter.

Planning History

1.4 The site is a former gunpowder works. In the 1930s it was developed as a holiday resort with small hotel, cottages, and cabins. In 1981 the site was
sold and permission granted for timeshare development in Scandinavian –
type lodges and the hotel converted into a luxury hotel and country Club.
There have been various applications since for extensions and alterations to
existing buildings for holiday accommodation and also for staff
accommodation as well as improvements to the restaurants and bars.

Proposal

1.5 The proposal is to erect a new self contained dwelling to be used as a time
share holiday unit. This building would be single storey providing level
accommodation and would incorporate some of the existing ruins. It would
however have a much larger footprint. The roof would comprise a series of
dual pitch roofs in green slate and the walls would be stone and vertical
boarded timber. The buildings would have a covered terrace. Parking would
be provided close or adjacent to the building. The design and layout of the
building has been amended to enable the original building to be more easily
identified as part of the history of the site. There is a children’s play area
which would be removed as part of the development.

1.6 A bat survey has been undertaken as the original building has a potential
for a bat roost being within woodland and close to water.

2 REPRESENTATIONS

2.1 Lakes Parish Council has no objections subject to adequate parking
arrangements

2.2 No representations have been received regarding this specific proposal.

2.3 Local Highway Authority – The scale of this development is acceptable.

2.4 Archaeologist – No objections but recommend a condition requiring some
archaeological investigation of the site prior to works commencing.

3 POLICY AND ASSESSMENT

3.1 The relevant North West of England Plan Regional Spatial Strategy (RSS) to
2021 policies are:
  • DP7 (Promote Environmental Quality)
  • RDF2 (Rural Areas)
  • W6 (Principles of Tourism development)
  • EM1(A) (Landscape )
  • EM1(B) (Natural Environment)

The relevant extended Cumbria & Lake District Joint Structure Plan 2001-
2016 Policies are:
  • H20 (Housing in the Lake District National Park)
  • EM16 (Tourism)
  • E35 (Nature conservation)

The relevant saved Lake District National Park Local Plan Policies are:
  • H5 (Housing in open countryside)
• H4 (Housing in Villages)
• BE1 (Roof and wall materials)
• NE1 (Development in open countryside)
• NE16 (Protection of Archaeological)

3.2 Also relevant to the determination of this proposal is the Good Practice Guide on Planning for Tourism. This document, published in September 2006, (which superseded PPG 21 – Tourism) indicates that Local Planning Authorities may attach conditions to planning permissions for holiday parks to ensure that they are used for holiday purposes only.

Does the proposed development accord with Policy H20 of the Structure Plan and H5 of the Local Plan and if not are there any material considerations to indicate that the application could be approved contrary to this policy?

3.3 The proposal is for one holiday unit. This would be self contained and although providing holiday tourism accommodation, would be a form of housing development. Therefore it is required to be considered against Policy H20 and Policy H5. The legal status as a dwelling is not altered by the imposition of occupancy restrictions or by the collective management of the unit as some form of tourism accommodation business. Policy H20 of the Structure Plan states that housing development will only be permitted where the development is of a scale and type designed to contribute to the housing needs of the locality, as defined in the Supplementary Planning Document on Demonstrating Housing Need. Policy H5 of the local plan states that housing in open countryside will only be permitted where it is designed to meet a proven and essential need for accommodation.

3.4 The holiday dwelling is clearly not designed to meet the housing needs of the locality nor has it been designed to meet a proven or essential need for accommodation. Therefore it is contrary to Policies H20 and H5.

3.5 I have considered whether there are any material considerations which indicate that the development could be approved contrary to these policies. The Langdale Estate is a large holiday complex comprising 81 timeshare units and a 57 bedroom hotel. The site for a holiday unit is near to the Elterwater village but not visually part of it due to its setting within the woodland. Instead it is located well within the confines of the holiday complex, integrated with existing timeshares and has the same character and feel as the holiday village. I consider that the location of the unit within the established timeshare complex where there is constant change in occupancy of properties, in combination with its lack of private amenity space means that it is not suitable for independent permanent accommodation. Therefore even though there is a need for affordable housing in the parish this is not an appropriate site. As such I do not believe this is a lost opportunity for affordable housing. A departure from policy would therefore be justified without prejudicing the future of Policy H20 and Policy H5.
3.6 For the reasons set out at above I consider that the proposal would justify a departure from policy as there are material considerations which warrant approval of this proposal contrary to this policy.

Is there support for such tourism development within the development plan or contained in other guidance?

3.7 Policy EM14 of the Structure Plan indicates that tourism development will only be permitted where it would not conflict with the special qualities of the National park or diminish opportunities for quiet enjoyment, and would not introduce inappropriate levels of activity or be of a nature or scale detrimental to the character and quality of the environment and not result in loss of serviced accommodation. The proposal is for one more timeshare property on a site containing 81 timeshares and 57 hotel bedrooms. I consider that the proposal would not result in an inappropriate increase in activity as the estate is more than capable in terms of its size, facilities and landscaping to be able to accommodate this additional unit without impacting on the character of this area or affecting its amenity. I also consider that the cumulative impact of this and the other applications for timeshare units on this agenda would not be harmful. I have looked at the impact on the wider area and consider the area has sufficient capacity to accommodate the additional visitors generated by this development even though it is a very busy part of the National Park.

3.8 Policy W6 of the RSS supports tourism provided it does not affect the statutory purposes of this designation.

3.9 Policy NE1 of the Local Plan indicates development in the open countryside will only be permitted where it is closely integrated with existing uses. This new lodge would lie within the existing large timeshare development and adjacent to existing buildings. I consider that the development accords with Policy NE1 criteria (a).

3.10 This is an existing large holiday complex which sits well within the landscape and its local community. I am satisfied that the development complies with the aims and objectives of our tourism policies.

3.11 The existing timeshare units have holiday occupancy conditions that indicate the properties shall not be used otherwise for the purposes of holiday accommodation and shall not be occupied by any one person, group of persons, members of the same family or company for a period or periods exceeding in total 10 weeks in any calendar year. These conditions cover the whole site as approved in 1981. I am proposing that these conditions should be imposed on this development.

Would the development cause harm impact to the Landscape or character or the area?

3.12 The proposed timeshare building would be single storey and would be positioned towards the edge of the site. However in my opinion there is sufficient tree coverage to protect views into the estate and to mitigate any leakage out into the wider landscape. I am satisfied that the development
would not result in harm to the landscape or reduce the existing tree coverage at the boundary. There will be loss of trees within the site but I do not consider that this would have a detrimental impact on the quality of the environment within the holiday complex or the landscape outside the site.

3.13 Whilst there will be glimpses of the building in winter due to reduced vegetation cover I am satisfied that the single storey design and use of stone, timber and green slate which is recessive in colour would not have a harmful impact on the landscape. There would be some benefit from additional tree planting at the boundary to ensure a variety of ages of trees along this boundary to maintain the health and longevity of this boundary screening. I am proposing to condition this. The development would satisfy criteria b and c of Policy EM14 and satisfy Policy E37 of the Structure Plan and criteria b, c, d and e of Policy NE1 of the Local Plan

Is the development of a high standard of design and scale appropriate for this setting?

3.14 The Good Practice Guide on Planning for Tourism indicates that design is important for tourism because as a commercial activity its success will depend upon how attractive it is to visitors and how it complements and improves the wider built and natural environment. Tourism development should protect and enhance the visual quality of the site and its surroundings to ensure that the development fits in well with its environs.

3.15 The proposed building is well designed, making use of appropriate materials. It respects the original building at the site which can be read as part of the new building. The detailing between the areas of stone and timber and around the windows and stone flagged porches reflects a desire to continue the high standard of design of the site as a whole and complement the site. I consider that the development protects the visual qualities of the site and ensures that the development fits in well with its environs. This is a quality development and satisfies Policies BE1 and NE1 of the Local Plan and Policies EM14 and E37 of the Structure Plan and DP7 and EM1(A) of the RSS.

Residential amenity

3.16 I am satisfied that the development would not be unneighbourly for the occupiers of the existing nearby timeshares due to its siting. It would also not be unneighbourly in relation to the proposed timeshare development at Dog Kennel Corner also on this agenda.

3.17 Development of the site would result in increased activity of a domestic nature. However given that the existing children’s play area at the site is to be relocated, I do not consider that the additional accommodation would be likely to result in any greater activity, noise or disturbance than that which would have been the case if the existing children’s play area had remained.

Highway Safety

7/2009/5440
3.18 Parking is provided for the holiday let adjacent or close to the building. The Local Highway Authority have raised no objection to the additional traffic to the site.

Would the development result in harm to ecological interests?

3.19 A bat survey has been undertaken and submitted as part of the planning application due to the existing structure offering a potential roosting site for bats given its woodland location and close to water. An inspection of the building indicated that no bats were using the building and the building due to its ruinous state and damp walls did not offer suitable sites for bats. The woodland offers potential feeding area but there was no potential for roosting in the building and none in the trees in proximity to the site. There was also the issue of general disturbance of the site due to the adjacent children’s play area and the site being used as an extension of that.

3.20 Whilst there is no evidence of bats in the building the survey report sets out precautionary mitigation measures (section E1) for the protection of bats should any be discovered during works or make use of the site if gaps are opened up during construction.

Under Article 12 of the EC Habitats Directive we are required to protect endangered species of animal. Article 16 provides that if there is no satisfactory alternative and the proposal will not harm the favourable conservation of the species of the animal then a derogation may be sought “in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature…” Regulation 3 (4) of the Conservation (Natural Habitats) Regulations 1994 requires us to have regard to the requirements of the Habitats Directive.

3.21 In this case there is no evidence of bats in the building and I am satisfied that the proposal will not harm the favourable conservation of the species. Subject to appropriate conditions requiring the mitigation measures set out in the report being complied with I consider the nature conservation issues to have been adequately addressed and to be in accordance with Policy EM1(B) of the Regional Spatial Strategy.

Would the development result in harm to any archaeological interests?

3.22 Our Archaeologist considers that the existing building can be incorporated into the new building as by itself it has no archaeological interest to warrant retention in its current condition. However he has indicated that the site warrants further archaeological investigation and has suggested a condition to that effect. I consider that subject to the required condition that the development would not result in harm to archaeological interests.

4 CONCLUSION

4.1 The development is contrary to our housing policies as it is a form of housing development which does not meet an identified local need. However I believe that there are sufficient material considerations as to warrant approval of this
application as a departure from the development plan. I therefore consider that the development is acceptable.

Committee is recommended to:

APPROVE with conditions

1. The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

   REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be carried out otherwise than in complete conformity with the amended plans (No: 2403/TF/02/A) received by the Local Planning Authority on 4 November 2009.

   REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.

3. No work shall commence on the erection of the buildings unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include additional tree planting to the eastern and southern boundaries of the site opposite the development hereby approved and any boundary features and any existing trees and hedgerows on the land, those to be retained together with measures for their protection during the course of development and these protection measures shall be implemented and retained for the whole duration of the development.

   Unless otherwise agreed in writing with the Local Planning Authority, all landscaping works shall be carried out not later than 12 months from the occupation of the building(s) or the substantial completion of the development, whichever is the sooner. Any trees or plants which, within a period of 5 years thereafter, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation.

   REASON: To safeguard the visual amenities of the area.

4. The roof of the buildings hereby permitted shall be covered in local green slates (that is slates which have been mined or quarried in the National Park). Such slates shall be riven not sawn, and shall be laid in diminishing courses from eaves to ridge.

   REASON: To ensure a satisfactory standard of appearance of the development by the use of traditional materials in accordance with Policy BE1
of the Lake District National Park Local Plan.

5. The facing stone to be used in the development hereby permitted shall match (in terms of size, method of laying, pointing and jointing details) the appearance, character, colour and texture of the local stone walls of the existing building at the site known as the Fort.

REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.

6. The accommodation hereby permitted shall not be occupied other than for holiday purposes and shall not at any time be used for the purposes of permanent residential accommodation.

REASON: The accommodation is inadequate for permanent residential use by reason of its location within a holiday timeshare complex.

7. This permission shall not authorise the occupation of the development hereby approved by any one individual, family, company or group of persons for a period exceeding 10 weeks in any calendar year.

REASON: To ensure that the accommodation is used for holiday purposes only as permanent residential use would be contrary to Policy H10 as there has been no demonstrated local housing need and the site is unsuitable for permanent independent residential use.

8. No development shall take place within the area delineated by a bold black line on the attached plan until the applicants, their agent or successor in title, have secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

REASON: To enable features of archaeological interest to be recorded in advance of development proceeding in accordance with Policy NE16 of the Lake District National Park Local Plan.

9. The mitigation measures indicated in section E1 of the Bat Survey undertaken by Andrew Gardner (ref BAT/09/582) shall be implemented in full accordance with those details unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the building remains as a potential roost location for the bats occasionally using the building in accordance with Policy E34 of the Cumbria and Lake District Joint Structure Plan 2001-2016.

10. All doors, windows and associated framework and all external joinery shall be painted or stained in a colour, or colours, to be first approved in writing by the Local Planning Authority. Such painting or staining shall be undertaken not later than three months from the substantial completion of the development or not later than three months from the building hereby permitted being first brought into use, whichever is the sooner.
REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.

INFORMATIVE:

Regulation 39 of the Conservation (Natural Habitat, &c.) Regulations 1994 makes it an offence deliberately to capture, kill or disturb a member of a European protected species or to damage or destroy the breeding site or resting place of such an animal. New developments for which development works would contravene the protection afforded to European protected species require derogation in the form of a European Protected Species (EPS) Licence. EPS Licenses are issued by the Natural England Wildlife Licensing Unit (tel: 0117 959 8453).

Building contractors should be advised of the possible presence of bats in the area. They should be made aware of the signs to look out for and of the need for sensitive working, particularly during the removal of any walls. If the presence of bats is confirmed or suspected at any time during the course of the development then work must cease in that area and further advice must be sought from Natural England or a licenced bat worker as a legal requirement (tel. 01539 792800 or the bat help line 017687 76911).

Summary of Reasons for Approval
Development Plan Policies relevant to the Decision

Having regard to the relevant development plan policies, in particular those extended Cumbria & Lake District Joint Structure Plan 2001-2016 and/or saved Lake District National Park Local Plan Policies and the North West of England Plan Regional Spatial Strategy to 2021 as appropriate and all other material planning considerations, the proposal is considered to be acceptable subject to the conditions imposed as the development would not result in harm to the residential amenities, nor harm to ecological interests, nor to the character and appearance of the landscape and is appropriate development for its siting within a holiday complex.

The relevant North West of England Plan Regional Spatial Strategy (RSS) to 2021 policies are:
- DP7 (Promote Environmental Quality)
- RDF2 (Rural Areas)
- W6 (Principles of Tourism development)
- EM1(A) (Landscape)
- EM1(B) (Natural Environment)

The relevant extended Cumbria & Lake District Joint Structure Plan 2001-2016 Policies are:
- H20 (Housing in the Lake District National Park)
- EM16 (Tourism)
- E35 (Nature conservation)

The relevant saved Lake District National Park Local Plan Policies are:
- H5 (Housing in open countryside)
- H4 (Housing in Villages)

7/2009/5440
• BE1 (Roof and wall materials)
• NE1 (Development in open countryside)
• NE16 (Protection of Archaeological sites)

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
Application no: 7/2009/5441
Applicant: Langdale Leisure Ltd
Date of Application: 5 August 2009
Type of Application: Full

Location: Langdale Hotel and Country Club, Great Langdale, Ambleside, Cumbria, LA22 9JD
Grid Reference: 332692 504988 See Plan

Proposal: Dog Kennel Corner - construction of 2 no timeshare lodges

District Council: Not consulted
Parish Council: Grant/approve with conditions. Ensure adequate parking arrangements
Highway Authority: Grant/approve

**RECOMMENDATION:** APPROVE with conditions

**REPORT:**

**BACKGROUND AND PROPOSAL**

1.1 I am reporting this application to Committee as the application represents a departure from the Development Plan.

1.2 The Langdale Estate comprises 35 acres, with 81 timeshares units, 57 no bedroom hotel, 2 restaurants and bar, leisure club and conference facilities, staff accommodation and ancillary facilities. The estate also owns properties outside the main complex at Elterwater Hall and Wainwrights Inn. The estate is now owned by Langdale Owners PLC, the shareholders of which are all Langdale timeshare owners.

1.3 The location of this development for two timeshare units is on the south east part of the site known as Dog Kennel Corner. The site is adjacent to existing timeshare units and on part of the children’s play area which would be relocated to another part of the site. The immediate area has many conifer trees and the development would require the removal of 17 of them. There are trees along the boundary of the site, mainly conifers but some are deciduous which provide a good screening in summer but a few gaps in winter.

**Planning History**

1.4 The site is a former gunpowder works. In the 1930s it was developed as a holiday resort with small hotel, cottages, and cabins. In 1981 the site was sold and permission granted for timeshare development in Scandinavian-type lodges and the hotel converted into a luxury hotel and country Club.

7/2009/5441
There have been various applications since for extensions and alterations to existing buildings for holiday accommodation and also for staff accommodation as well as improvements to the restaurants and bars.

Proposal

1.5 The proposal is to erect 2 self contained dwellings to be used as time share holiday units. These units would be larger than the existing timeshare units and provide 3 en suite bedrooms. They would be of a similar style to existing buildings with natural stone at ground floor forming a plinth and stained timber above with green slate roofs. The buildings would have covered balconies. Each property would have parking close or adjacent to the building. The proposal has been amended to locate the parking spaces closer to the buildings to ensure minimum disturbance to trees adjacent to the boundary of the site. A children’s play area at the site would have to be relocated.

2 REPRESENTATIONS

2.1 Lakes Parish Council has no objections subject to adequate parking arrangements

2.2 We have received 1 letter of representation. The points raised are summarised as follows:
   - Due to the number of owners/time sharers the period of consultation is not long enough.
   - This application will cram in more accommodation, remove facilities and erode the original peace and tranquillity that we had reasonable expectation to enjoy.
   - There are mature trees which form an essential part of the amenity of the area and which we expect to enjoy.

2.3 Local Highway Authority – The scale of this development is acceptable.

3 POLICY AND ASSESSMENT

3.1 The relevant North West of England Plan Regional Spatial Strategy (RSS) to 2021 policies are:
   - DP7 (Promote Environmental Quality)
   - RDF2 (Rural Areas)
   - W6 (Principles of Tourism development)
   - EM1(A) (Landscape)

The relevant extended Cumbria & Lake District Joint Structure Plan 2001-2016 Policies are:
   - H20 (Housing in the Lake District National Park)
   - EM16 (Tourism)

The relevant saved Lake District National Park Local Plan Policies are:
   - H5 (Housing in open countryside)
   - H4 (Housing in Villages)
   - BE1 (Roof and wall materials)
3.2 Also relevant to the determination of this proposal is the Good Practice Guide on Planning for Tourism. This document, published in September 2006, (which superseded PPG 21 – Tourism) indicates that Local Planning Authorities may attach conditions to planning permissions for holiday parks to ensure that they are used for holiday purposes only.

Does the proposed development accord with Policy H20 of the Structure Plan and H5 of the Local Plan and if not are there any material considerations to indicate that the application could be approved contrary to this policy?

3.3 The proposal is for two holiday units. These would be self contained and although providing holiday tourism accommodation, would be a form of housing development. Therefore the development is required to be considered against Policy H20 and Policy H5. The legal status as a dwelling is not altered by the imposition of occupancy restrictions or by the collective management of the unit as some form of tourism accommodation business. Policy H20 of the Structure Plan states that housing development will only be permitted where the development is of a scale and type designed to contribute to the housing needs of the locality, as defined in the Supplementary Planning Document on Demonstrating Housing Need. Policy H5 of the local plan states that housing in open countryside will only be permitted where it is designed to meet a proven and essential need for accommodation.

3.4 The holiday dwellings are clearly not designed to meet the housing needs of the locality nor have they been designed to meet a proven or essential need for accommodation. Therefore they are contrary to Policies H20 and Policy H5.

3.5 I have considered whether there are any material considerations which indicate that the development could be approved contrary to these policies. The Langdale Estate is a large holiday complex comprising 81 timeshare units and a 57 bedroom hotel. The site for the holiday units is near to the Elterwater village but not visually part of it due to its setting within the woodland. Instead it is located well within the confines of the holiday complex, integrated with existing timeshares and has the same character and feel as the holiday village. I consider that the location of the 2 units within the established timeshare complex where there is constant change in occupancy of properties, in combination with its lack of private amenity space means that it is not suitable for independent permanent accommodation. Therefore even though there is a need for affordable housing in the parish this is not an appropriate site. As such I do not believe this is a lost opportunity for affordable housing. A departure from policy would therefore be justified without prejudicing the future of Policy H20 and Policy H5.

3.6 For the reasons set out at above I consider that the proposal would justify a departure from policy as there are material considerations which warrant approval of this proposal contrary to this policy.
Is there support for such tourism development within the development plan or contained in other guidance?

3.7 Policy EM14 of the Structure Plan indicates that tourism development will only be permitted where it would not conflict with the special qualities of the National park or diminish opportunities for quiet enjoyment, and would not introduce inappropriate levels of activity or be of a nature or scale detrimental to the character and quality of the environment and not result in loss of serviced accommodation. The proposal is for 2 more timeshares properties on a site containing 81 timeshares and 57 hotel bedrooms. I consider that the proposal would not result in an inappropriate increase in activity as the estate is more than capable in terms of its size, facilities and landscaping to be able to accommodate these additional units without impacting on the character of this area or affecting its amenity. I consider that the wider area has sufficient capacity to accommodate the additional visitors generated by this development even though it is a very busy part of the National Park.

3.8 Policy W6 of the RSS supports tourism provided it does not affect the statutory purposes of this designation.

3.9 Policy NE1 of the Local Plan indicates development in the open countryside will only be permitted where it is closely integrated with existing uses. The new lodges would lie within the existing large timeshare development and adjacent to existing buildings. I consider that the development accords with Policy NE1 criteria (a).

3.10 This is an existing large holiday complex which sits well within the landscape and its local community. I am satisfied that the development complies with the aims and objectives of our tourism policies.

3.11 The existing timeshare units have holiday occupancy conditions that indicate the properties shall not be used otherwise for the purposes of holiday accommodation and shall not be occupied by any one person, group of persons, members of the same family or company for a period or periods exceeding in total 10 weeks in any calendar year. These conditions cover the whole site as approved in 1981. I am proposing that these conditions should be imposed on this development.

Would the development cause harm impact to the Landscape or character or the area?

3.12 The proposed 2 timeshare buildings would be larger than the existing structures and are to be positioned towards the edge of the site. However in my opinion there is sufficient tree coverage to protect views into the estate and to mitigate any leakage out into the wider landscape. Given the recent amendment to re-site the parking area away from the trees at the boundary, I am satisfied that the development would not result in harm to the landscape or reduce the existing tree coverage at the boundary. There will be loss of trees within the site but I do not consider that this would have a detrimental impact on the quality of the environment within the holiday
complex or the landscape outside the site. Our Tree Advisor has visited the site and has raised no objection to the removal of trees at this site.

3.13 Whilst there will be glimpses of buildings in winter due to reduced vegetation cover I am satisfied that the use of stone, timber and green slate which is recessive in colour would not have a harmful impact on the landscape. There would be some benefit from additional tree planting at this boundary to ensure a variety of ages of trees along this boundary to maintain the health and longevity of this boundary screening. I am proposing to condition this. The development would satisfy criteria b and c of Policy EM14 and satisfy Policy E37 of the Structure Plan and criteria b, c, d and e of Policy NE1 of the Local Plan.

Is the development of a high standard of design and scale appropriate for this setting?

3.14 The Good Practice Guide on Planning for Tourism indicates that design is important for tourism because as a commercial activity its success will depend upon how attractive it is to visitors, and how it complements and improves the wider built and natural environment. Tourism development should protect and enhance the visual quality of the site and its surroundings to ensure that the development fits in well with its environs.

3.15 The proposed buildings are well designed, making use of appropriate materials. They reflect the style of the existing buildings on the site but in a more contemporary way. The detailing between the areas of stone and timber and around the ground floor windows and stone flagged porches reflects a desire to continue the high standard of design of the site as a whole and complement the site. I consider that the development protects the visual qualities of the site and ensures that the development fits in well with its environs. This is a quality development and satisfies Policies BE1 and NE1 of the Local Plan and Policies EM14 and E37 of the Structure Plan and DP7 and EM1(A) of the RSS.

Residential amenity

3.16 We have received an objection from the occupier of the adjacent timeshare unit who is concerned about the loss of trees and peace and tranquillity for this corner of the site next to them. The proposed new building would be 3m from the side of the existing building and would project forward of it. I am satisfied that the proximity of the building would not be unneighbourly for the occupiers of the adjacent timeshare as the occupation of that building is for holiday use for a limited period. The balcony would be close to the balcony of the existing building but there would be screen to the side of the balcony and therefore no overlooking.

3.17 Development of the site would result in increased activity of a domestic nature. However given that the existing children’s play area at the site is to be relocated, I do not consider that the additional accommodation would be likely to result in any greater activity, noise or disturbance than that which would have been the case if the existing children’s play area had remained.
Highway Safety

3.18 Parking is provided for each unit adjacent or close to the building. The Local Highway Authority have raised no objection to the additional traffic to the site.

4 CONCLUSION

4.1 The development is contrary to our housing policies as it is a form of housing development which does not meet an identified local need. However I believe that there are sufficient material considerations as to warrant approval of this application as a departure from the development plan. I therefore consider that the development is acceptable.

Committee is recommended to:

APPROVE with conditions

1. The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

   REASON: Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be carried out otherwise than in complete conformity with the amended plans (Nos: 2403/DK/01/A and 403/DK/02/A) received by the Local Planning Authority on 4 November 2009.

   REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.

3. No work shall commence on the erection of the buildings unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include additional tree planting to the southern boundary of the site opposite the development hereby approved and any boundary features and any existing trees and hedgerows on the land, those to be retained together with measures for their protection during the course of development and these protection measures shall be implemented and retained for the whole duration of the development.

   Unless otherwise agreed in writing with the Local Planning Authority, all landscaping works shall be carried out not later than 12 months from the occupation of the building(s) or the substantial completion of the development, whichever is the sooner. Any trees or plants which, within a period of 5 years thereafter, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation.
REASON: To safeguard the visual amenities of the area.

4. The roof of the buildings hereby permitted shall be covered in local green slates (that is slates which have been mined or quarried in the National Park). Such slates shall be riven not sawn, and shall be laid in diminishing courses from eaves to ridge.

REASON: To ensure a satisfactory standard of appearance of the development by the use of traditional materials in accordance with Policy BE1 of the Lake District National Park Local Plan.

5. The stone facing to the external walls of the building hereby granted permission shall be natural local stone laid on its natural bed.

REASON: To ensure a satisfactory standard of appearance of the development by the use of traditional materials in accordance with Policy BE1 of the Lake District National Park Local Plan.

6. The accommodation hereby permitted shall not be occupied other than for holiday purposes and shall not at any time be used for the purposes of permanent residential accommodation.

REASON: The accommodation is inadequate for permanent residential use by reason of its location within a holiday timeshare complex.

7. This permission shall not authorise the occupation of the development hereby approved by any one individual, family, company or group of persons for a period exceeding 10 weeks in any calendar year.

REASON: To ensure that the accommodation is used for holiday purposes only as permanent residential use would be contrary to Policy H20 as there has been no demonstrated local housing need and the site is unsuitable for permanent independent residential use.

8. All doors, windows and associated framework and all external joinery shall be painted or stained in a colour, or colours, to be first approved in writing by the Local Planning Authority. Such painting or staining shall be undertaken not later than three months from the substantial completion of the development or not later than three months from the building hereby permitted being first brought into use, whichever is the sooner.

REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.

Summary of Reasons for Approval
Development Plan Policies relevant to the Decision

Having regard to the relevant development plan policies, in particular those extended Cumbria & Lake District Joint Structure Plan 2001-2016 and/or saved Lake District

7/2009/5441
National Park Local Plan Policies and the North West of England Plan Regional Spatial Strategy to 2021 as appropriate and all other material planning considerations, the proposal is considered to be acceptable subject to the conditions imposed as the development would not result in harm to the residential amenities, nor to the character and appearance of the landscape and is appropriate development for its siting within a holiday complex.

The relevant North West of England Plan Regional Spatial Strategy (RSS) to 2021 policies are:
• DP7 (Promote Environmental Quality)
• RDF2 (Rural Areas)
• W6 (Principles of Tourism development)
• EM1(A) (Landscape)

The relevant extended Cumbria & Lake District Joint Structure Plan 2001-2016 Policies are:
• H20 (Housing in the Lake District National Park)
• EM16 (Tourism)

The relevant saved Lake District National Park Local Plan Policies are:
• H5 (Housing in open countryside)
• H4 (Housing in Villages)
• BE1 (Roof and wall materials)
• NE1 (Development in open countryside)

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
Application no: 7/2009/5442
Applicant: Langdale Leisure Ltd
Date of Application: 5 August 2009
Type of Application: Full

Location: Langdale Hotel and Country Club, Great Langdale, Ambleside, Cumbria, LA22 9JD
Grid Reference: 332692 504988  See Plan
Proposal: 'Below Founders Seat' - construction of 2 no timeshare lodges

District Council: Not consulted
Parish Council: No comment/no recommendation.
Highway Authority: Grant/approve

RECOMMENDATION: APPROVE with conditions

REPORT:

1 BACKGROUND AND PROPOSAL

1.1 I am reporting this application to Committee as the application represents a departure from the Development Plan.

1.4 The Langdale Estate comprises 35 acres, with 81 timeshares units, 57 no bedroom hotel, 2 restaurants and bar, leisure club and conference facilities, staff accommodation and ancillary facilities. The estate also owns properties outside the main complex at Elterwater Hall and Wainwrights Inn. The estate is now owned by Langdale Owners PLC, the shareholders of which are all Langdale timeshare owners.

1.5 The location of this development for two timeshare units is within the centre of the Estate below Founders Seat. Founders seat occupies the highest part of the Estate and offers views out towards the fells. The site is currently occupied by 2 water tanks which are no longer required and there are steps up to Founders seat through the site. The site is steeply sloping and has 5 deciduous trees, sycamore and birch.

Planning History

1.4 The site is a former gunpowder works. In the 1930s it was developed as a holiday resort with small hotel, cottages, and cabins. In 1981 the site was sold and permission granted for timeshare development in Scandinavian-type lodges and the hotel converted into a luxury hotel and country Club. There have been various applications since for extensions and alterations to existing buildings for holiday accommodation and also for staff accommodation as well as improvements to the restaurants and bars.
Proposal

1.5 The proposal is to erect 2 self contained dwellings as a semidetached property to be used as time share holiday units. These units would be larger than the existing timeshare units and provide 3 en suite bedrooms. The living accommodation is mainly provided on 2 floors but with a further mezzanine floor with gallery area or potential fourth bedroom and parking is provided within a lower ground floor garage accessed off the existing estate road. The site is steeply sloping and therefore there is an extensive amount of excavation required. The building uses a more contemporary design than the existing units, incorporating interesting tower stair features in stone and an additional timber clad lift tower for one of the units. The building would have a stone plinth and timber clad upper floors and green slate roofs. Balconies with glass balustrades run the length of the ground and first floors. The building would be 23.8m long at its longest point and 12.5m high to the ridge.

1.6 The building has been amended and reduced in height by 1.5m to ensure the roof ridge level is no higher than the ground level at Founders Seat and the steps to Founders Seat would be relocated north of the building to maintain access to this viewpoint and avoid the root system of a large beech. This is the third proposal for new timeshare development at the Langdale Estate on this agenda.

2 REPRESENTATIONS

2.1 Lakes Parish Council has no objections.

2.2 We have received 1 letter of representation. The points raised are summarised as follows:

- Owners of the three lodges 34, 35, and 36 (below the site) cannot have seen the site notice and it was initially obscured by parked cars.
- Has the information been provided to all the owners of the 3 lodges? And advertisement lawfully carried out? (A site notice was displayed)
- Object to proposal on the basis of the premium paid by lodge owners for their privileged position. The development will affect the value of the lodges. (Not a planning matter)
- The lodges will be overlooked whereas they are not overlooked now.
- Car parking is tight and whilst the new parking is proposed under the lodges the access is steep narrow and awkward so adding 4 cars might cause some difficulties.

2.3 Local Highway Authority – The scale of this development is acceptable.

3 POLICY AND ASSESSMENT

3.1 The relevant North West of England Plan Regional Spatial Strategy (RSS) to 2021 policies are:
• DP7 (Promote Environmental Quality)
• RDF2 (Rural Areas)
• W6 (Principles of Tourism development)
• EM1(A) (Landscape)

The relevant extended Cumbria & Lake District Joint Structure Plan 2001-2016 Policies are:
• H20 (Housing in the Lake District National Park)
• EM16 (Tourism)

The relevant saved Lake District National Park Local Plan Policies are:
• H5 (Housing in open countryside)
• H4 (Housing in Villages)
• BE1 (Roof and wall materials)
• NE1 (Development in open countryside)

Also relevant to the determination of this proposal is the Good Practice Guide on Planning for Tourism.

Does the proposed development accord with Policy H20 of the Structure Plan and H5 of the Local Plan and if not are there any material considerations to indicate that the application could be approved contrary to this policy?

3.2 The proposal is for two holiday units. These would be self contained and although providing holiday tourism accommodation, would be a form of housing development. Therefore they are required to be considered against Policy H20 and Policy H5. The legal status as a dwelling is not altered by the imposition of occupancy restrictions or by the collective management of the unit as some form of tourism accommodation business. Policy H20 of the Structure Plan states that housing development will only be permitted where the development is of a scale and type designed to contribute to the housing needs of the locality, as defined in the Supplementary Planning Document on Demonstrating Housing Need. Policy H5 of the local plan states that housing in open countryside will only be permitted where it is designed to meet a proven and essential need for accommodation.

3.3 The holiday dwellings are clearly not designed to meet the housing needs of the locality nor have they been designed to meet a proven or essential need for accommodation. Therefore they are contrary to Policies H20 and H5.

3.4 I have considered whether there are any material considerations which indicate that the development could be approved contrary to these policies. The Langdale Estate is a large holiday complex comprising 81 timeshare units and a 57 bedroom hotel. The site for the holiday units is within the centre of the holiday complex integrated with existing timeshares and has the same character and feel as the holiday village albeit these are much large units. I consider that the location of the 2 units within the established timeshare complex where there is constant change in occupancy of properties, in combination with its lack of private amenity space means that it is not suitable for independent permanent accommodation. Even though
there is a need for affordable housing in the parish this is not an appropriate site. As such I do not believe this is a lost opportunity for affordable housing. A departure from policy would therefore be justified without prejudicing the future of Policy H20 and Policy H5.

3.5 For the reasons set out at above I consider that the proposal would justify a departure from policy as there material considerations which warrant approval of this proposal contrary to this policy.

Is there support for such tourism development within the development plan or contained in other guidance?

3.6 Policy EM14 of the Structure Plan indicates that tourism development will only be permitted where it would not conflict with the special qualities of the National park or diminish opportunities for quiet enjoyment, and would not introduce inappropriate levels of activity or be of a nature or scale detrimental to the character and quality of the environment and not result in loss of serviced accommodation. The proposal is for 2 more timeshares properties on a site containing 81 timeshares and 57 hotel bedrooms. I consider that the proposal would not result in an inappropriate increase in activity as the estate is more than capable in terms of its size, facilities and landscaping to be able to accommodate these additional units without impacting on the character of this area or affecting its amenity. Even with the cumulative impact of these 2 units and the other 3 proposed units on this agenda, I consider that the wider area has sufficient capacity to accommodate the additional visitors generated by these developments even though it is a very busy part of the National Park.

3.7 Policy W6 of the RSS supports tourism provided it does not affect the statutory purposes of this designation.

3.8 Policy NE1 of the Local Plan indicates development in the open countryside will only be permitted where it is closely integrated with existing uses. These two new lodges are within an existing large timeshare development and close to existing buildings. I consider that the development accords with Policy NE1 criteria (a).

3.9 This is an existing large holiday complex which sits well within the landscape and its local community. I am satisfied that the development complies with the aims and objectives of our tourism policies.

3.10 The existing timeshare units have holiday occupancy conditions that indicate the properties shall not be used otherwise for the purposes of holiday accommodation and shall not be occupied by any one person, group of persons, members of the same family or company for a period or periods exceeding in total 10 weeks in any calendar year. These conditions cover the whole site as approved in 1981. I am proposing that these conditions should be imposed on this development

Would the development cause harm impact to the Landscape or character or the area?
3.11 The proposed 2 timeshare buildings would be larger than the existing structures and being semi detached in nature presents a large single building. However the building makes use of the rising ground level and is set into the hillside. In my opinion there is sufficient tree cover the protect wider views into the estate from neighbouring public rights of way outside the site and to mitigate any leakage of views out into the wider landscape. The building will be visible from within the estate due to its elevated position. But this view will be seen against the backdrop of trees and by holiday chalets at various locations and heights within the woodland. The reduction in height of the building will ensure that it will not be seen above the ridge of the hill.

3.12 There is an existing view from Founders Seat across the estate and to the Langdale fell beyond. The ridge of the building would be level with the ground level at Founders Seat and would not block the existing view although it would be prominent in the foreground. I consider that the development would not result in loss of this viewpoint.

3.13 Whilst there will be glimpses of buildings in winter due to reduced vegetation cover I am satisfied that the building due to the use of stone, timber and green slate which is recessive in colour would not have a harmful impact on the landscape. The development would satisfy criteria b and c of Policy EM14 and satisfy Policy E37 of the Structure Plan and criteria b, c, d and e of Policy NE1 of the Local Plan

Is the development of a high standard of design and scale appropriate for this setting?

3.14 The Good practice guide on Planning for Tourism indicates that design is important for tourism because as a commercial activity its success will depend upon how attractive it is to visitors and how it complements and improves the wider built and natural environment. Tourism development should protect and enhance the visual quality of the site and its surroundings to ensure that the development fits in well with its environs.

3.15 The proposed buildings are well designed, making use of appropriate materials. They reflect the style of the existing buildings on the site but in a more contemporary way. The detailing between the areas of stone and timber and around the ground floor windows reflects a desire to continue the high standard of design of the site as a whole and complements the site. I consider that the development protects the visual qualities of the site and ensures that the development fits in well with its environs. This is a quality development and satisfies Policies BE1 and NE1 of the Local Plan and Policies EM14 and E37 of the Structure Plan and DP7 and EM1(A) of the RSS.

Residential amenity

3.16 We have received an objection from the occupier of a timeshare unit who is concerned about overlooking from the development. The building will be on a higher level than the neighbouring lodges and will look over the buildings. There is a window in the rear of each property but given the distance between properties (16m – 24m) and elevated position of the new building, I do not consider that this is unneighbourly for a development of this type. The use of
the balcony areas would offer more opportunity for overlooking but again I do not consider that this would be harmful.

3.17 Development of the site for additional accommodation would result in increased activity of a domestic nature. However I do not consider that the additional activity would be likely to result in harm to the amenities of the occupiers of the timeshare units.

**Highway Safety**

3.18 The Local Highway Authority have raised no objection to the additional traffic to the site. Parking is provided within the building with two spaces for each unit. The parking area adjacent to the site is adequate for the existing units but turning is tight.

4 **CONCLUSION**

4.1 The development is contrary to our housing policies as it is a form of housing development which does not meet an identified local need. However I believe that there are sufficient material considerations as to warrant approval of this application as a departure from the development plan. I therefore consider that the development is acceptable.

*Committee is recommended to:*

APPROVE with conditions

1. The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

**REASON:** Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be carried out otherwise than in complete conformity with the amended plans (Nos: 2403/FS/01/B and 2403/FS/02/A) received by the Local Planning Authority on 4 November 2009.

**REASON:** For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.

3. No work shall commence on the erection of the buildings unless and until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include any boundary features and any existing trees and hedgerows on the land, those to be retained together with measures for their protection during the course of development and these protection measures shall be implemented and retained for the whole duration of the development.

7/2009/5442
Unless otherwise agreed in writing with the Local Planning Authority, all landscaping works shall be carried out not later than 12 months from the occupation of the building(s) or the substantial completion of the development, whichever is the sooner. Any trees or plants which, within a period of 5 years thereafter, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species unless the Local Planning Authority gives written consent to any variation.

REASON: To safeguard the visual amenities of the area.

4. The roof of the buildings hereby permitted shall be covered in local green slates (that is slates which have been mined or quarried in the National Park). Such slates shall be riven not sawn, and shall be laid in diminishing courses from eaves to ridge.

REASON: To ensure a satisfactory standard of appearance of the development by the use of traditional materials in accordance with Policy BE1 of the Lake District National Park Local Plan.

5. The stone facing to the external walls of the building hereby granted permission shall be natural local stone laid on its natural bed.

REASON: To ensure a satisfactory standard of appearance of the development by the use of traditional materials in accordance with Policy BE1 of the Lake District National Park Local Plan.

6. The accommodation hereby permitted shall not be occupied other than for holiday purposes and shall not at any time be used for the purposes of permanent residential accommodation.

REASON: The accommodation is inadequate for permanent residential use by reason of its location within a holiday timeshare complex.

7. This permission shall not authorise the occupation of the development hereby approved by any one individual, family, company or group of persons for a period exceeding 10 weeks in any calendar year.

REASON: To ensure that the accommodation is used for holiday purposes only as permanent residential use would be contrary to Policy H20 as there has been no demonstrated local housing need and the site is unsuitable for permanent independent residential use.

8. All doors, windows and associated framework and all external joinery shall be painted or stained in a colour, or colours, to be first approved in writing by the Local Planning Authority. Such painting or staining shall be undertaken not later than three months from the substantial completion of the development or not later than three months from the building hereby permitted being first brought into use, whichever is the sooner.

REASON: For the avoidance of doubt and to ensure a satisfactory
standard of appearance of the development.

Summary of Reasons for Approval
Development Plan Policies relevant to the Decision

Having regard to the relevant development plan policies, in particular those extended Cumbria & Lake District Joint Structure Plan 2001-2016 and/or saved Lake District National Park Local Plan Policies and the North West of England Plan Regional Spatial Strategy to 2021 as appropriate and all other material planning considerations, the proposal is considered to be acceptable subject to the conditions imposed as the development would not result in harm to the residential amenities, nor to the character and appearance of the landscape and is appropriate development for its siting within a holiday complex.

The relevant North West of England Plan Regional Spatial Strategy (RSS) to 2021 policies are:
- DP7 (Promote Environmental Quality)
- RDF2 (Rural Areas)
- W6 (Principles of Tourism development)
- EM1(A) (Landscape)

The relevant extended Cumbria & Lake District Joint Structure Plan 2001-2016 Policies are:
- H20 (Housing in the Lake District National Park)
- EM16 (Tourism)

The relevant saved Lake District National Park Local Plan Policies are:
- H5 (Housing in open countryside)
- H4 (Housing in Villages)
- BE1 (Roof and wall materials)
- NE1 (Development in open countryside)

BACKGROUND PAPERS:
Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1995.
Application no: 7/2009/5452
Applicant: Spedding Brothers Builders
Date of Application: 19 August 2009
Type of Application: Full

Location: Strictly Fell Caravan Site, Force Mills, Rusland, Cumbria, LA12 8LQ
Grid Reference: 334233 490623  See Plan

Proposal: Use of land for the stationing of 2 additional caravans and associated landscape and engineering works

District Council: See report
Parish Council: See report
Highway Authority: See report

**RECOMMENDATION:** DELEGATE to Head of Development Management to APPROVE subject to a Section 106 Agreement to control the siting of six caravans

REPORT:

1 BACKGROUND & PROPOSAL

1.1 I am reporting this application to Committee because my recommendation is contrary to the views of two local Parish Councils. In 1979, following the refusal of planning permission for 12 caravans in 1975, enforcement authority was given for the removal of caravans from a site on Strictly Fell. An appeal was lodged against the enforcement notice, the appellant’s case being that caravans had been situated on Strictly Fell since the 1950s. The then Planning Board withdrew from the appeal and granted planning permission (7/1980/6008) in 1981 subject to a condition that no more than four caravans shall be stationed on the land. The applicant also entered into a Section 52 agreement restricting the number of caravans to four and restricting the area in which the caravans could be positioned.

1.2 An application (7/2002/5244) to place a single additional caravan on the site was refused in 2002 for the following reason:

*By its nature form and materials, the proposed caravan, and the activities associated with it, would represent a visually assertive and incongruous feature in the landscape and the proposed development would thereby be contrary to Policies NE1, T5 and T9 of the Lake District National Park Local Plan.*

1.3 In 2008 refusal was given for the stationing of six additional caravans under reference 7/2006/5668 for the following reasons:

7/2009/5452
1 The siting of six additional chalet style caravans, the associated access tracks and parking spaces and the necessary groundworks to provide level pitches would compound the adverse impact of the existing caravans on the character and appearance of the open woodland setting. The site cannot be considered as being well screened as public footpaths run through and alongside the site. The additional caravans would also have an adverse, albeit limited impact on the wider landscape. The proposal would therefore be contrary to Lake District National Park Local Plan Policy T9.

2 The intensification of this incongruous use would detract from the enjoyment of users of public rights of way in the vicinity particularly public footpath no. 566022 which runs through the site. The proposal would therefore be contrary to Lake District National Park Local Plan Policy S5.

3 The intensification of the use of the site by increasing the number of caravans would be detrimental to this Quieter Area of the National Park, by virtue of the additional noise and disturbance caused by vehicles entering and leaving the site via Stricely Lane and the increased use of the site. It would therefore be contrary to Policy NE5 of the Lake District National Park Local Plan.

1.4 It is now proposed to provide an additional two caravans on land within the application boundary of the 1981 permission.

1.5 The site of the caravans lies within an area of open woodland, reached by vehicular traffic by an unmade road classified as a byway open to all traffic (BOAT) known locally as Stricely Lane. It appears that the section of this track leading to the site has been improved relatively recently with the addition of packed down slate waste. A bridleway also runs up through woodland from the bridge at Force Mills to meet Stricely Lane just before it passes the entrance to the site. At the entrance, two public footpaths commence and immediately diverge - one runs directly along the internal access road of the site and the other runs off to one side.

1.6 The site has changed hands since the 2002 application. The new owners have replaced the caravans on site (single unit static caravans), with much bigger structures which have the appearance of timber chalets. Several objectors have complained that the replacement structures do not fall within the statutory definition of a caravan, and therefore are in breach of the 1981 permission. This issue has previously been considered by our Compliance Team, who concluded that the structures fall within the statutory definition.

1.7 The Caravan Sites Act 1968 And Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition Of Caravan) (Amendment) (England) Order 2006 (2006 No. 2374) states that a caravan should be within the following dimensions:

- Length – 20 metres (65.616 feet)
- Width – 6.8 metres (22.309 feet)
• Internal Height – 3.05 metres (10.006 feet).

2 REPRESENTATIONS

2.1 Satterthwaite Parish Council objects to the application for the following reasons:

a. The site cannot be well screened as a footpath runs through the middle of the site and another runs adjacent to it. It is our view that the existing chalets have high visual impact and are not what you would expect to see in an area of natural beauty. The addition of any more caravans would constitute over development and would be contrary to LDNPA Local Plan Policy T9.

b. Any further development of the site must lead to additional noise, disturbance and traffic thus contravening LDNPA Local Plan Policy S5.

c. The footpaths are well used and the development would therefore detract from the user’s enjoyment which contrary to LDNPA Local Plan Policy S5.

d. Importantly, we note that the site is subject to a Section 52 agreement which restricts the number of caravans to 4. We strongly support this agreement and can see no reason to review this agreement and urge the LDNPA to apply it.

2.2 Colton Parish Council resolved to object to the application for the following reasons:

We refer to our objections on the previous application for 6 additional caravans.

a. T9 – in particular, the site cannot be said to be well screened as a footpath runs right through the middle of the site and another on the edge of the site. In addition, the existing large chalet style caravans are high visual impact, appearing like modern bungalows in the middle of an area of natural beauty; any more of the same would, in our view, constitute unacceptable over development of the site.

b. NE5 – Any further development of the site would lead to additional noise, disturbance and traffic which this policy is designed to restrict in quieter areas of the National Park.

c. S5 – Any further development would be contrary to this policy which states that: “development which would adversely affect e amenity or the special qualities afforded by public rights of way will not be permitted.”

d. Importantly, we note that the site is subject to a Section 52 agreement which restricts the number of caravans to 4. We strongly support this agreement and can see no reason to review this agreement and urge the LDNPA to apply it.
2.3 The Local Highway Authority advises that the access road leading to the site is an unmade unclassified road and prior to any construction use commencing the applicant should undertake a joint inspection with Cumbria Highways and make good any damage before occupation.

They have also expressed concern that the users of the adjacent rights of way must be protected at all times.

2.4 Although the Ramblers Association was consulted no response has been received however they previously did not object to the additional six caravans as they felt that the development would not directly affect the rights of way which pass through the site.

2.5 Twenty letters of objection have been received from eighteen separate households, predominantly local residents, but also other users of the local footpaths. Their concerns can be summarised as follows:

**Visual amenity**

- These are not caravans in the accepted sense of the word. They are large scale cabins dominating the woodland landscape. A further two would totally overpower and ruin the visual aspect of this area to visitors.

- Contrary to the landscape assessment provided with the application the site is already visible from footpaths on the other side of the valley. The chalets appear as a blot on the otherwise unblemished landscape. Any further development would only add to the visual impact.

- It is an area of open countryside situated on an elevated area of open land and is visible from a number of public rights of way and access land to the east of the site.

**Over development of the site**

- The proposal is an invasion of an inappropriate scale and type of tourist accommodation in a designated Quieter Area. The valley and fell is a quiet area enjoyed by many residents and walkers. The development is out of character and will lead to a great bustle of cars and people.

- This is too intensive a development which will transform forever the idyllic woodland that so many seek when they visit our area. There are many Lakeland caravan sites but few real retreats left such as this.

- The development will require internal roads, footways, increased sanitation, parking areas, lighting, refuse collection, shop, to name but a few possible extras.

- The development would have little benefit to the local community and it would create a larger population than the permanent one that has lived in the area for hundreds of years.
Impact on users of local rights of way

- It is claimed that users of the footpaths have adjusted to the presence of the caravans. This is strongly disputed. I am appalled by what I consider the scarification of the site. Walkers on public footpaths are highly sensitive receptors, and therefore the changes would have a significant impact.

- The introduction of more holiday accommodation into this open landscape will significantly change the experience of walkers who seek out this area for its special qualities.

- The use of the access by vehicles would have a highly detrimental impact on the track, as well as adding potential danger to the walkers, cyclists and horse riders who use it.

- The character of the public footpath would be changed by making the track suitable to cater for additional vehicular traffic.

Traffic generation and noise disturbance

- Four caravans of this size will inevitably increase traffic in the area. The narrow lanes in the Rusland valley are already under pressure from increased tourist usage due to developments at Grizedale Forest.

Access to the public highway

- The site is approached from near a very dangerous bend. Additional caravans will lead to extra traffic at this sub-standard junction.

- The steep narrow access track has no passing places. The increased traffic is likely to conflict with walkers, cyclists and horse riders and it would be dangerous if two cars met.

- The work done to Strictly Lane has already altered its character along this section.

Previous planning decisions

- The application in 2002 for a single caravan was refused. It makes no sense to approve an application for four caravans. Several objectors claim that when they enquired whether additional caravans would be permitted they had been informed by officers of the Authority that permission would not be granted.

Other matters

- The Section 52 agreement should prevent planning permission being granted.

- It has not been demonstrated that untreated water can be disposed of satisfactorily. Surface water run off will increase adding to flood risk.
• The proposal is tantamount to a development of chalets for holiday use, and therefore contrary to Policy T14.

• The application site is not an established caravan site as it has no on-site facilities, but simply land which is used for the siting of four caravans.

• Placing the caravans next to trees means that there would be pressure for the trees to be felled.

• There is no septic tank on the site, so insufficient facilities.

• Can a restriction be put on to restrict similar applications being made as previous ones that have been refused?

3 POLICY

3.1 The following saved policies of the Lake District National Park Local Plan are relevant to consideration of the application:

• NE1 (Development in the Open Countryside)
• NE5 (Development in Quieter Areas)
• NE12 (Protection of Woodland & Trees)
• T9 (Static Caravan Sites)
• S5 (Public Rights of Way)

3.2 The following Cumbria and Lake District Joint Structure Plan retained policies are relevant:

• EM16 (Tourism)
• E37 (Landscape character)

3.3 And the following Regional Spatial Strategy (RSS) policies are also relevant:

• W6 (Tourism)
• RDF2 (Rural Areas)
• EM1 (Integrated Enhancement and Protection of the Region’s Environmental Assets)

3.4 The following documents give expression to national government policy and guidance relevant to this application:

• PPS 1: Delivering Sustainable Development
• PPS 7: Sustainable Development in Rural Areas
• Good Practice Guide for Tourism

4 ASSESSMENT

Is the proposal contrary to policy in principle?
4.1 Local Plan Policy T9 permits new static caravans only as part of a farm diversification scheme (which is not relevant in this case) or where they are "within the approved boundaries of established and well screened static caravan sites". It follows therefore that if the site is not established or well screened then the siting of additional caravans would be contrary to policy.

4.2 Some objectors have questioned whether the application site is an established caravan site, or whether it is simply an area where four caravans may be sited. This is a reasonable question. Other than the caravans and the parking and road network there is little to suggest an established site. Internal access is provided by an existing public footpath, there are no physical boundaries either natural or man-made to the application site, and none of the facilities and accoutrements that one might expect at an established site. The permission boundary is an arbitrary rectangle with nothing on the ground to indicate its extent. Rather there are four caravans which happen to be sited within an area of woodland. Unfortunately however there is nothing in the Local Plan which gives guidance as to what constitutes an established site, so in my opinion it would be difficult to defend a refusal of the application on the basis that it is not an established site, given that permission for four caravans has been granted.

4.3 Although concern has been raised that these are holiday chalets, in terms of planning law the application is for caravans and the units submitted fall within these definition therefore Policy T14 regarding holiday chalets does not apply to this application.

4.4 From most distant viewpoints the site is not visible due to the surrounding trees, from other viewpoints the existing caravans are visible. In the absence of other man made structures in the vicinity and their elevation the eye is somewhat drawn to them. I accept that additional screening would be afforded when the trees are in full leaf, but the caravans are to be sited all year round. At close quarters the caravans are even more visible, and are not screened at all from the public footpaths which run through and adjacent to the site. The permitted site has no physical boundaries to screen the structures, and as relatively small caravans have been replaced with much larger chalet style caravans their impact is increased.

4.5 I do not consider that the existing site is well screened. However the application before us is for the siting of two additional caravans which due to their location between the existing caravans would not be visible from outside the site.

4.6 I consider that the site is an established site where the principle of additional caravans is considered favourably.

Would the changes lead to an unacceptable change to the character of the site and its surroundings?

4.7 Policy T9, requires that additional caravans "will only be permitted provided no harm would be caused to the visual amenities or character of the area". Many objectors consider that the existing siting of caravans, and particularly the changes which have recently occurred on site, have caused significant
harm to the character of the area. What was once an open woodland setting has been significantly changed by the new large caravans.

4.8 The applicants' landscape assessment contends that the addition of the proposed units will not fundamentally change the land use type as the units are sited next to existing units. There is an element of truth in this inasmuch that the character of the existing area has been compromised. The previous application for six caravans would have further consolidated this character change and was refused for the reasons set out in paragraph 1.3. I consider that due to the proposed position of the caravans between the existing units they would not adversely affect the area to a sufficient degree to warrant a refusal.

4.9 Our Landscape Architect has confirmed that he has no objections due to the siting of the proposed caravans that in his opinion the proposal would not adversely affect the character of the area. He feels that the character has already been changed by the existing caravans.

Would the proposal impact adversely on users of public rights of way?

4.10 Policy S5 of the Local Plan states that development which would adversely affect the amenity or the special qualities afforded by public rights of way will not normally be permitted.

4.11 The landscape assessment provided by the applicants' claims that users of the footpaths will have adjusted to the presence of the existing caravans and therefore the additional caravans would have little extra impact. The strength and nature of public opposition to the proposal suggests that the first part of this statement is strongly disputed by local people.

4.12 Prior to submitting the previous application the applicants took advice from our Landscape Architect on the positioning of the caravans to achieve the least adverse impact. This advice has been acted on. I am not persuaded that the proposed siting of the additional two units would have an adverse impact on the users of the footpath due to the fact that they are positioned between caravans or within natural hollows in the land thus they would be read within the confines of the existing units.

4.13 The proposal includes a number of areas of planting throughout the site to help screen the existing caravans. The planting would consist of a mixture of Birch, Ash and Oak trees along with Hazel, Hawthorn, Holly, Guelder Rose and Honeysuckle. I believe that this would help to lessen the impact of the existing caravans.

4.14 I do not believe that the proposals would adversely affect the users of the public rights of way to warrant a refusal of the application.

Would the development have an adverse impact on this Quieter Area of the National Park?

4.15 Stricely Fell falls within a designated Quieter Area of the National Park. Local Plan Policy NE5 does not permit development in Quieter Areas which would
cause harm to their character and appearance, by virtue of an increase in traffic or a material increase in the level of recreational use, or visual intrusion, noise or other forms of disturbance.

4.16 The number of caravans would increase from four to six. The existing four caravans can accommodate six people in each unit and the proposed two caravans a further four people in each unit.

4.17 On the main road network I consider that this additional traffic would probably not be significant, however access to the site is via a track without a bound surface which is used predominantly as a leisure route by walkers/cyclists/riders. The additional journeys which would be generated by providing more caravans would in my view have an impact on the enjoyment of this route for leisure purposes; however I am not convinced that this would be to such a level which would warrant refusal.

Would the development adversely affect the area due to insufficient foul water disposal?

4.18 A separate application has been approved for a new septic tank system under reference 09/5425 and there is an adequate sewage disposal system.

5 CONCLUSION

5.1 In conclusion I believe that this quiet area has changed in character due to the changes to the type of caravan. However regrettable these changes may be they do not amount to a breach of planning control.

5.2 I consider that the stationing of the caravans as close to the existing units as proposed would not adversely affect the view from the adjacent footpaths running through the application site to an extent that would warrant refusal.

5.3 I appreciate that the site can never comply with criterion ‘a’ of Policy T9 in that the site is clearly not well screened as the footpath actually runs through the site, however I do not consider that the development as proposed would adversely affect the character and appearance of the area to warrant a refusal.

5.4 The current permission for four caravans does not specify the precise siting. These caravans can be sited anywhere within the large permitted site area. Indeed the newly sited large caravans are not in the same place as the original such caravans. The current proposal is only acceptable on the basis of the current siting. It is therefore necessary to control the site layout and this can be achieved by a Section 106 Agreement. In the absence of such an agreement I would recommend refusal. I therefore recommend that Committee delegate to the Head of Development Management to approve subject to a Section 106 Agreement to secure siting of all six caravans in accordance with the submitted layout plan.

Committee is recommended to:

7/2009/5452
DELEGATE to Head of Development Management to APPROVE subject to a Section 106 Agreement to control the siting of six caravans

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
Application no: 7/2009/5457
 Applicant: Mr M Mayvers
 Date of Application: 17 August 2009
 Type of Application: Full

Location: Lane End Farm, Lowick Green, Ulverston, LA12 8EB
 Grid Reference: 328718 485491 See Plan

Proposal: Revised details for the horse exercise area. Re-location of horse walker and erection of stone wall across existing entrance

District Council: 
Parish Council: See report
Highway Authority: Grant/approve

RECOMMENDATION: APPROVE with conditions

REPORT:

1  BACKGROUND AND PROPOSAL

1.1 Lane End Farm is a former farmstead standing just off the A5092 at Lowick Green in South Lakeland. A former farm which has since been parcelled off and sold, part retrospective planning permission was granted in October 2008 (ref. 7/20085230) for the change of use of the farm buildings, and the immediately surrounding land, to equestrian use.

1.2 The site consists of a mix of traditional and modern buildings accessed along a single track road from the A5092. On the opposite side of the lane is the original farmhouse, now under separate ownership. The buildings stand on a level below the main road, separated from it by a field which has since been excavated. The surrounding landscape is of low rolling hills.

1.3 The 2008 planning permission granted permission for:
   - Change of use of agricultural buildings and adjacent fields totalling 6.19ha to equestrian use (retrospective)
   - Winter horse exercise area (retrospective)
   - New horse exercise area
   - Access improvements
   - A motorised horse-walker
   - An administration and staff block
   - Roofing over an existing midden; and
   - Installation of a new sewage treatment plant.
1.4 In February 2009 a chalet caravan was placed upon the land, this caravan being permanently occupied since April 2009. Members visited the site in July 2009 and granted authority to take enforcement action against the caravan. A retrospective planning application (ref. 7/2009/5475) has now been received for the caravan, seeking a three year temporary permission with an establishing business need justification to be assessed against Annex A of PPS7. That submission is currently being appraised for the Authority by a suitably qualified third party, and will be brought before members in due course.

1.5 During the compliance investigation relating to the caravan, it became apparent that the applicant had undertaken works to the horse exercise area for which he believed he had received planning permission, but which have subsequently transpired to be unauthorised. This application seeks to regularise the situation.

1.6 This application also seeks planning permission for the relocation of the previously approved horse-walker and the erection of a stone wall across an existing entranceway at the site. There is no retrospective element to these works.

2 REPRESENTATIONS

2.1 Lowick Parish Council's initial response was that the Council "is opposed to any further developments on this site until it is satisfied that the outstanding matter of the violation of previous planning permissions has been resolved and communicated to the Parish Council." I discussed this application with a representative of the Parish Council, explaining that we are now in receipt of applications which seek to regularise outstanding compliance matters at Lane End Farm, and invited further comments from the Parish which are related to the specific planning merits of each application.

2.2 Lowick Parish Council has since revised its comments stating that it "is now in a position to support the development".

2.3 The proposed development is considered acceptable to the Local Highway Authority.

2.4 The application was advertised by neighbour notification letter. Two further representations have been received.

2.5 The first representation offers no objections to the proposed developments. The neighbour states that the equestrian use has brought benefits to the local community, created jobs and removed eye-sore structures, including a midden which had been a source of water pollution for some 13 years or more. The writer stated that he was pleased with the way in which the whole project had progressed.

2.6 The second letter of representation offered a more mixed view of the application. The relocation of the horse walker to the rear of the site was considered to be a positive move, negating concerns associated with the previous application. There was concern however regarding the height of the
exercise area which it was felt would be visible from, and a distraction to users of, the A5092.

3 POLICY AND ASSESSMENT

3.1 The following policies are considered to be relevant to this application:

- North-West of England Plan: Regional Spatial Strategy to 2021 Policies DP7 (promote environmental quality) and EM1 (integrated enhancement and protection of the region's environmental assets)

- Lake District National Park Local Plan saved Policy NE1 (development in the open countryside).

3.2 As the principle of the use of the site for horticulture is firmly established, in my view there are three key issues to consider: firstly whether the proposed developments will be acceptable in terms of visual impact (giving due consideration to the fallback position of the extant permission 7/2008/5230); secondly whether the proposed developments will adversely affect the amenity of neighbouring dwellings; and thirdly whether the proposed developments would have unacceptable highway safety implications.

Is the proposed scheme acceptable in terms of visual and landscape impact (giving due regard to the fallback position of the extant permission)

3.3 The development of a substantial exercise area adjacent to the existing buildings, and the siting of a new horse walker are the two aspects of the proposed development which are likely to have the greatest visual impact.

3.4 To consider the exercise area first, this is located on the same site as that for which approval was granted by virtue of planning permission 7/2008/5230. This exercise area however stands taller than that for which permission was granted – at its highest point standing 1.8m above ground level to the surface, and 3m above ground level to the fence top. By virtue of this increased height above that for which planning permission was granted, I believe that the arena will, from certain viewpoints have a greater visual impact. I do not however believe that this impact will be so great (particularly when compared to the extant permission) as to justify the refusal of this component of the scheme.

3.5 The arena would, in the first instance be surfaced with grass. Ultimately however it is likely that the exercise area will be surfaced with rubber pellets. The grassed surface will have a reduced visual impact than the rubber pellets. However, the pellets, whilst a discernibly unnatural surface, would be dark in colour and, when seen against the backdrop of the buildings and the wider built context, would not in my opinion appear unacceptable. Again, as these surfaces had been approved under the previous permission, I am satisfied that both are acceptable, and can be satisfactorily secured by condition.

3.6 With regard to the horsewalker, the 2008 permission allows for the siting of a walker to the north of the farm buildings. From here it would be clearly visible from the minor road to the north, and from the neighbouring property. The
revised siting would still be visible from public view (in this case from the A5092), although the walker would again be seen against the backdrop of the existing development of Lane End Farm. It would however be hidden from view of the neighbouring former farmhouse. With the larger and higher buildings to the north it would not be an obtrusive structure in the wider landscape and, despite its unconventional construction and utilitarian appearance, would not, in my view, appear out of place. I do not consider that its scale or design would cause harm to the wider area, and the juniper green roof sheeting is appropriate on the site.

3.7 Finally, with regard to the stone wall proposed across the existing north-western entranceway, subject to the use of local stone to match the adjacent buildings (which I would recommend is secured by condition), I am wholly satisfied that this aspect of the development would be acceptable.

Would the proposed development harm the amenity of neighbouring properties?

3.8 The former Lane End farmhouse stands across the minor road just to the north of Lane End Farm. The proposed developments would, with the exception of the stone wall, stand broadly unseen from this dwelling. And would, I believe, bring about an improvement in terms of amenity when compared to the works for which permission already exists. The relocation of the horsewalker to the south of the existing buildings would reduce the probability of noise and disturbance to the neighbouring dwelling, particularly from the motors and panels of the walker. In my view the development will represent an improvement upon the extant 2008 permission in terms of neighbour amenity and is acceptable.

Would the proposed development result in unacceptable highway safety impacts?

3.9 I believe there are two matters to consider with regard to highway safety.

3.10 The proposed wall would stop up an existing access at Lane End, resulting in one single main access in the centre of the site. This will stop vehicles turning into the site on the sharp corner adjacent to the old farmhouse. This stopping up will not have any adverse impacts upon the highway.

3.11 The second issue for consideration is the exercise area. This would stand close to the A5092, a fast and busy main route through the south of the county. The letter of objection raised concerns that the exercise area would represent a distraction to highway users, posing a safety risk. Whilst the scheme has been found satisfactory to the Local Highway Authority, I would recommend that no floodlighting of the exercise area be permitted without further planning permission. This is to ensure that the development remains unobtrusive, and to ensure appropriate consultations with the Local Highway Authority take place should such installations be desired. Subject to such a condition however, I would agree with the views of the Local Highway Authority and find the scheme acceptable.

4 CONCLUSION
4.1 In my view both the retrospective works to the exercise area, and the new developments of the wall and horsewalker are acceptable, having satisfactorily addressed the key considerations of visual impact, neighbour amenity and highway safety.

**Committee is recommended to:**

APPROVE with conditions

1. The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

   **REASON:** Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2. Unless otherwise agreed in writing by the Local Planning Authority, the development hereby permitted shall not be carried out otherwise than in complete conformity with the submitted plans as amended by the plan (No: 9062/08/09/02) received by the Local Planning Authority on 28 September 2009.

   **REASON:** For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.

3. Prior to its installation, full details of the final colour and finish of the roof, galvanised steel frame and wire mesh walls of the horsewalker hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The walker shall be finished in accordance with the approved details within 3 months of the substantial completion or first use of the walker, and shall be retained as such thereafter.

   **REASON:** To ensure a satisfactory standard of development, particularly as seen from public views on the A5092 and from rights of way to the south of the application site.

4. Unless otherwise agreed in writing with the Local Planning Authority, the surface of the exercise area hereby permitted shall be of grass or black pelleted rubber.

   **REASON:** To ensure a satisfactory standard of development and to minimise the visual impact and intrusion of the exercise area, particularly as seen from the A5092 and public rights of way to the south of the application site.

5. Notwithstanding the provisions of Section 55 of the Town and Country Planning Act 1990, no floodlights or external lighting shall be erected/installed without the prior submission to and approval of a planning application by the Local Planning Authority. Any lighting scheme shall be carried out in accordance with the approved details.
REASON: In the interests of highway safety on the A5092, and to minimize light pollution and protect the character of the area, in accordance with Policy EM1 of the Regional Spatial Strategy.

6. The facing stone to be used in the boundary wall hereby permitted shall match (in terms of size, method of laying, pointing and jointing details) the appearance, character, colour and texture of the local stone walls and traditional farm buildings adjacent to the site.

REASON: For the avoidance of doubt and to ensure a satisfactory standard of appearance of the development.

Summary of Reasons for Approval

Having regard to the relevant development plan policies, in particular Policies DP7 and EM1 of the North-West of England Plan: Regional Spatial Strategy to 2021, saved Policy NE1 of the Lake District National Park Local Plan 1998, and all other material planning considerations, the proposal is considered to be acceptable subject to the conditions imposed.

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
Application no: 7/2009/5476
Applicant: Mr & Mrs S Wood
Date of Application: 27 August 2009
Type of Application: Full

Location: Hawkshead Hall Farm, Hawkshead, Ambleside, LA22 0NN
Grid Reference: 335154 498830 See Plan
Proposal: Use of land for camping purposes and associated engineering works including modifications to existing access arrangements

District Council: No recommendation. A quorum could not be formed because the applicant is a serving Councillor and all members declared an interest.
Parish Council: Approve with conditions
Highway Authority: Approve with conditions

RECOMMENDATION: Head of Development Management will report

REPORT:

1 BACKGROUND AND PROPOSAL

1.1 I am reporting this application to Committee because the applicant is a close relative of a Member of the Authority.

1.2 Hawkshead Hall Farm Campsite is located to the north of the village of Hawkshead.

1.3 The campsite has a lawful development certificate for the siting of 5 touring caravans and 50 tents between 1 March and 7 November in any calendar year (7/2007/5309). The campsite is currently contained within a single field to the north-west of the existing farm house and associated buildings.

1.4 This application seeks consent for the extension of the campsite into a field south of the existing site to provide more space for visitors, in particular family groups with their larger tents.

1.5 The proposals also seek to improve the existing access arrangements. This would be achieved by closing up the existing central access and formalising and improving the southern and northern access to the site. A new track from the improved southern access is proposed to link up the access with the farm buildings and the new extended site. Significant landscaping in the form of hedgerows and tree planting are also proposed.

2 REPRESENTATIONS

7/2009/5476
2.1 Hawkshead Parish Council commented as follows; a quorum could not be formed because the applicant is a serving Councillor and all Members declared an interest.

2.2 The Local Highway Authority considers that this proposal is acceptable; provided that the central access is permanently closed off and all camping site activity is directed to the new southern access to avoid confusion. They also recommend the imposition of conditions to ensure the closure of the existing unsafe central access, boundary wall height, access drive gradient, visibility splay, position and hanging of gates, access drive surfacing and the approval of details of water drainage system.

2.3 The Environment Agency has objected to the scheme as a result of a Flood Risk Assessment not being originally submitted with the scheme. In response a Flood Risk Assessment was received on the 06 November 2009. I will update committee at the meeting.

3 POLICY AND ASSESSMENT

3.1 North West of England Plan Regional Spatial Strategy to 2021
- Policy DP7: Promote Environmental Quality

Cumbria and Lake District Joint Structure Plan 2001-2016
- Policy EM16: Tourism
- Policy E37: Landscape Character

Lake District National Park Local Plan
- Policy NE1: Development in the Open Countryside
- Policy T17: Tented Caravan Sites
- Policy A3: Farm Diversification
- Policy NE16: Protection of Archaeological Sites
- Policy S5: Public Rights of Way

Is the proposed development acceptable in policy principle?

3.2 Policy NE1 of the Local Plan requires that development within the open countryside is only permitted where it would be closely integrated with existing uses and does not conflict with the special qualities of the National Park. The proposed extension to and access improvements to Hawkshead Hall Farm directly relate to the existing established camping use and so can be considered to accord with the principle of this policy.

3.3 Policy T17 of the Local Plan allows for sensitive proposals for the provision of additional tented camping pitches on farms in connection with farm diversification proposals subject to them meeting the criteria of Policy A3. The proposal accords with the general principle of Policy T17 which identifies support for suitable small increases in the number of available camping pitches.

3.4 This proposal would represent an extension to an existing farm diversification scheme. As a result Policy A3 of the Local Plan is relevant. The general

7/2009/5476
thrust of the policy is to favourably consider sensitive proposals which help to sustain the long term viability of farming.

3.5 The principle of an extension to the existing campsite has support from our policies. These policies, in particular Policy A3 of the Local Plan, identify a range of potential impacts which can result from such development which need to be assessed as to their acceptability. I consider that the main issues which need to be assessed in detail, to be that of affect on the appearance and character of the landscape and of the safety of the B5285. This report also addresses the impact of the development proposed on flood risk, rights of way, archaeology and trees.

Is the proposed development acceptable in its impact on the appearance and character of the local landscape?

3.6 Policy DP7 of the Regional Spatial Strategy and Policy E37 of the Structure plan requires that land use change is compatible with and respects the locally distinctive landscape characteristics and features of an area. Policies T17 and A3 require that a proposal does not cause harm to the visual amenity of the area. The assessment of the acceptability of the proposals landscape impact is crucial in determining the overall acceptability of the scheme.

3.7 The existence of a campsite at Hawkshead Hall Farm has established a visual context within which brightly coloured tents, cars and caravans have come to be associated. The proposals would lead to a modest extension of this into surrounding land. The land to the south of the campsite subject to this application is lawfully used for camping of duration of less than 28 days of the year and means the land is physically and visually associated with the campsite. These proposals improve this existing arrangement and appearance with landscaping including the planting of hedgerows on the north and west boundary and tree planting on the southern boundary.

3.8 In my opinion the proposed tracks have the greatest potential to cause harm to the landscape. Largely, the proposed tracks would acceptably extend the established appearance and character. In order to ensure that the material proposed to surface the tracks is of a colour to match the existing I propose a condition be placed on any approval to require our prior approval of the colour of the proposed aggregate.

3.9 The landscaping proposals submitted have largely been designed to address and mitigate the visual impact of the tracks, which have focused on the landscape when viewed from the main public vantage gained from the existing southern access point and a nearby public footpath. To do this a significant degree of tree and hedgerow planting has been proposed, which reflect the existing type and spatial distribution of species within the surrounding landscape. These proposals where designed as a result of consultation with our Landscape Architect who considers that the landscape and visual impacts of the scheme are within the carrying capacity of the local landscape.

3.10 In summary, I consider the proposals to acceptably extend the existing established appearance and character of the campsite in accordance with the
outlined development plan policies and to benefit the appearance of the area through significant tree planting.

Is the proposed development acceptable in terms of highway safety?

3.11 Access is currently gained to the farmstead between the existing farm buildings. The narrow nature of the access and farmyard, combined with the very limited visibility resulting from the physical obstruction of the farm buildings, the narrowing of the highway and the busy nature of the B5286 result in this current access being unsuitable and potentially dangerous. The proposal includes the closing of this access. This is an improvement to the existing highway safety of this section of the B5286 and can be achieved by condition.

3.12 It is proposed that the entrance to the campsite would now be gained from an improved southern access. The proposed improvements would help to increase safety of access on to the road by increasing visibility north and south, allowing any vehicle to be appropriately oriented before entering the highway and by allowing space for a car to enter and leave the access simultaneously.

3.13 Subject to the imposition of the conditions, I consider that the proposed access changes would remove an existing sub-standard access from the road and will improve the safety of road users.

Have the flood risks of the site been adequately addressed?

3.14 The land onto which the proposed campsite extension is proposed does not fall within a Flood Risk Zone. However, the existing southern access which it is proposed to improve does fall within a Zone 3a flood risk area. As a result the potential impact of the proposed alterations needs to be assessed in terms of flood risk.

3.15 At the time of writing this report I do not have the views of the Environment Agency on the submitted flood risk assessment and I will update committee at the meeting.

Would the proposed development have an acceptable impact on any adjacent trees?

3.16 The proposed re-profiling of ground associated with the access improvements encroaches within the canopy of two adjacent trees. I propose a condition to require the prior approval by the Authority of the contours. This would enable the plans to be modified to reduce any potential impact on the identified trees.

Would the proposed development affect archaeology?

3.17 Subject to the imposition of a condition to require the developer to allow access for the Local Planning Authority to observe any excavations made, our Archaeologist is satisfied that the potential impact is adequately addressed given the level of interest.
Would the proposed development have an acceptable impact on any public rights of way?

3.18 The access improvements proposed extend to the formalisation of the pedestrian access from the B5286 into the agricultural field for users of the public footpath number 529016 and the permissive footpath identified, to include the creation of a 1.8m wide, 5 bar timber gateway. This would benefit pedestrian’s safety by directing any uses away from vehicular traffic associated with the campsite. The proposal would not harm the amenities of the public right of way.

4 CONCLUSION

4.1 The proposal would result in a modest increase in the area available for camping without harm to the local landscape. Significant landscaping could be secured by planning conditions. The proposed revisions to the access arrangements are also an improvement and could also be achieved by conditions. I anticipate recommending that planning permission be granted. However, at the time of writing this report I await the views of the Environment Agency on the impact of flooding in relation to the proposed improvements to the southern access. I will update Committee at the meeting.

Committee is recommended to:

Head of Development Management will report

BACKGROUND PAPERS:

Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
APPLICATION:

7/2009/5627
Lakeland Great Outdoors Ltd
13 October 2009
Full
Lakeland Great Outdoors Ltd, Plantation Bridge, Kendal, LA8 9JA
Grid Reference: 348264 496862  See Plan
Extension to shop premises comprising storeroom, office, retail space and Tourist Information Centre, and demolition of existing office and storeroom (Oakwood 7/2003/5077)

District Council:
Parish Council: Suggest improvements to pedestrian and vehicular access. See APPENDIX 1.
Highway Authority: Approve with conditions

RECOMMENDATION: DELEGATE to Head of Development Management to DETERMINE subject to the completion of a S106 agreement to secure improvements to the A591 and subject to the following conditions.

REPORT:

1  BACKGROUND & PROPOSAL

1.1 I am reporting this application to Committee because last year we refused a similar proposal for a large extension, including glass atrium at Lakeland Great Outdoors (7/2007/5718).

1.2 Permission was refused on the grounds that the height, scale, form and materials of the proposed 'atrium' would not harmonize with the character of the host building and would lead to an increase in traffic that would be likely to have an adverse impact on road safety. A copy of my report to Committee is shown as APPENDIX 2.

1.3 That decision was then appealed. The Inspector concluded that whilst the proposal would not be harmful to road safety, the proposed atrium "would not respect the character and appearance of the existing buildings or the immediate surroundings." He went on to dismiss the appeal. A copy of his decision is shown as APPENDIX 3.

1.4 This application is a re-submission. It proposes a similar 'L' shaped extension to that considered last year but removes the controversial atrium from the corner of the building. Instead a more modest entrance
feature is proposed under a hipped slated roof. I will show the plans at committee and compare them with those submitted last year.

2 REPRESENTATIONS

2.1 The Environment Agency is concerned that the extension will straddle an existing culvert. They have suggested conditions requiring the submission and approval of construction details prior to the commencement of development and a method statement to protect Ratherheath Beck from construction activities.

3 POLICY

3.1 The following policies are considered relevant:

Regional Spatial Strategy:
- Policy DP7 (Promoting good quality design)

Lake District National Park Local Plan:
- Policy BE1 (Roof and wall materials)

4 ASSESSMENT

4.1 The Inspector’s decision was made on 16 June 2009. There have not been any changes to policy since then. Nor has there been any significant physical changes to the Lakeland Great Outdoors building or its immediate surroundings. Therefore the only issue is whether the re-designed building overcomes both our concerns and that of the Inspector and respects the character of the building.

4.2 At the appeal, the Inspector accepted our view that the atrium would dominate the existing building and not fit in with its low key, local rural character.

4.3 This re-submission omits the atrium and proposes a roof that simply follows the ridge of the existing building. Unlike the previous application the eaves line is kept the same and the glass entrance feature is subsumed under the canopy of the proposed roof. In all other respects the scheme externally is exactly the same as before.

4.4 In my opinion the overall result is an extension that fits more easily with the barn like character of the main building. It does not dominate it as before. Nor does it impose itself on it. I am confident that it will not appear visually assertive in the surrounding area and I am satisfied that it addresses both our concerns and that of the Inspector.

5 OTHER MATTERS

5.1 I am proposing two conditions to meet the concerns of the Environment Agency. One is to ensure that the integrity of the culvert remains in tact and the other to prevent pollution of Ratherheath Beck.
5.2 The suggestions by the Parish Council have been conveyed to the applicants and the Highway Authority. Whilst these might bring some benefit I do not believe that permission should be conditional upon them given the previously expressed views of the Inspector and the Local Highway Authority.

5.3 Like the previous scheme the applicant's have offered to pay for an extension to the central waiting lane in the middle of the A591. This would allow northbound traffic to turn more safely into the Lakeland Great Outdoors site. They have also agreed to improve the white lining at the junction between the private access road into the site and the A591. The Inspector considered that both could be secured by condition. But because they involve works to the highway outside the applicant's control I have started negotiations to secure a S106 Agreement.

6 CONCLUSION

6.1 That authority be delegated to the Head of Development Management to approve subject to the completion of a S106 agreement to secure improvements to the A591 and appropriate conditions.

Committee is recommended to:

DELEGATE to Head of Development Management to DETERMINE subject to the completion of a S106 agreement to secure improvements to the A591 and subject to the following conditions.

1. The development hereby permitted shall be commenced before the expiration of THREE years from the date hereof.

   REASON:  Imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2. Notwithstanding the submitted plans hereby approved the use of the building shall not commence until the existing property known as Oak Wood has been demolished and the car parking area has been constructed and made available for visitors and staff.

   REASON:  In the interests of highway safety.

3. Prior to the commencement of development hereby permitted a method statement shall be submitted to and agreed by the Local Planning Authority showing the means of construction across the culvert. Thereafter the development shall not be carried out unless in accordance with that approved scheme.

   REASON:  To ensure the structural integrity of the culvert is not adversely affected and that the risk of flooding is minimized.
4. Prior to the commencement of development hereby permitted a scheme to protect Ratherheath Beck from construction activity shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall not be carried out unless in accordance with the approved scheme.

REASON: To prevent pollution of the Beck and to avoid harm to nature conservation interests.

5. Notwithstanding the submitted plans hereby approved full details of the proposed glazed entrance feature, including type of glazing, shall be submitted to and approved by the Local Planning Authority before works commence to construct the entrance area.

REASON: To ensure a satisfactory form of development that respects the character of the host building and the surrounding area.

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
Paul Hagggin

From: Nick Thompson  
Sent: 12 November 2009 16:53  
To: Paul Hagggin  
Subject: FW: Planning application 7/2009/5627

Nick Thompson  
Development Control  
Lake District National Park Authority

From: Matthew Woolfenden On Behalf Of HQ  
Sent: 12 November 2009 16:33  
To: Nick Thompson  
Subject: FW: Planning application 7/2009/5627

From: Stan Simpson [mailto:S.T.S@btinternet.com]  
Sent: 12 November 2009 15:58  
To: HQ  
Subject: Planning application 7/2009/5627

Dear Sir,

Application No: 7/2009/5627  
Location: Lakeland Great Outdoors Ltd., Plantation Bridge, Kendal  
Proposal: Extension to shop premises comprising storeroom, office, retail space and Tourist Information Centre, and demolition of existing office and storeroom (Oakwood 7/2003/5077)

Thank you for your letter of 22nd October 2009 and copies of the plans relating to this application. The matter has been considered by members who have two concerns about the proposals.

1. Pedestrian access - Members feel that the majority of pedestrians will approach the premises from the west (junction of Winter Lane and A591) and feel that pedestrian access would be much safer if a small opening could be provided in the wall at the western corner of the site to facilitate pedestrian access. If this could be arranged, it would save pedestrians having to cross the narrow vehicular access point.

2. Vehicular egress - Members are still concerned that vehicles leaving the site have to cross the traffic access into the adjacent filling station. Would it be possible to negotiate a traffic flow system whereby vehicles leaving the Lakeland Great Outdoors site used the filling station exit points. It is felt that this would make for safer traffic flows.

Subject to these two issues being resolved, this council would be inclined to support the application.

Yours faithfully  
S T Simpson  
Clerk of Staveley with Ings Parish Council

12/11/2009
Application no: 7/2007/5718  
Applicant: Lakeland Great Outdoors Ltd  
Date of Application: 14 December 2007  
Type of Application: Full  
Location: Lakeland Great Outdoors Ltd, Plantation Bridge, Kendal, LA8 9JA  
Grid Reference: 348263 496856 See Plan  
Proposal: Extension to existing shop premises to include extended Tourist Information Centre and demolition of existing office and storeroom ("Oakland", your ref. 7/2003/5007)  
District Council:  
Parish Council: Refuse – See letter attached as APPENDIX 1  
Highway Authority: The proposal is acceptable subject to conditions to ensure improvements to the junction with the A591 and to extend the existing right hand turn lane (north bound) on the A591 so that it finishes opposite Lakeland Great Outdoors  

RECOMMENDATION: REFUSE for the following reasons  

REPORT:  

1 BACKGROUND & PROPOSAL  

1.1 I am reporting this application to Committee because of the number of local representations which have been received. Committee undertook a site visit in February 2008.  

1.2 Lakeland Great Outdoors is a large retail store selling Outdoor Clothing. Originally the site was occupied by a Little Chef Restaurant. It is situated mid way between Kendal and Staveley alongside the A591 and the Oxenholme/Windermere railway line to the rear. There is a car park to the north that wraps around the back of the property. Also to the rear of the store is a property known as "Oakland". This is a bungalow currently used as office and storage space ancillary to the retail store.  

1.3 The application is for a large extension to the existing building. The proposed extension is "L" shaped, with a glass atrium at its corner linking two traditional barn-like parts of the building. These structures are to be clad in local stone and slate to match existing materials, with some roughcast render to the rear of the extension. The development measures 10.8 metres on the South West (Front) Elevation, and 22.25 metres on its North West Elevation down the slope towards the railway line at the rear of the site.
1.4 Part of the application also involves the demolition of 'Oakland' with the land to be re-used as a car park. New offices and storage uses are to be incorporated into the new extension of the retail unit.

1.5 The extension will occupy part of the existing car park and oversail a water culvert that dissect the site.

1.6 The proposed floor areas will increase by 216 square metres on the ground floor, and 175 metres on the first floor creating approximately 391 square metres of new floor space. 126 square metres of this newly created space is for retail use, and the remainder for storage and staff purposes. The completed development would be 849.7 square metres in total, with a 33% increase in retail floor space. This compares to 591 sq m. plus 107 sq m. (Oakland - 26 sq m. office and 81 sq m. storage space) totalling 698 sq m.

1.7 There are approximately 40 car parking spaces currently; this is proposed to increase to 45 with the proposed development. 29 will be for customers, 14 for overflow & staff and 2 disabled spaces.

1.8 There have been a number of previous applications for this site. In 1996 an application for an extension (ref. 7/1996/5244), was refused on the grounds that the building would have been unduly assertive and would have led to an intensification of uses detrimental to the character of the area and of highway safety and convenience.

1.9 A new application for a smaller extension was submitted (ref: 7/1996/5432) and subsequently approved. Oakland, the residential bungalow, was given permission (ref. 7/1998/5554) for a change of use to mixed use, for office and storage provision. The most recent application (ref. 7/2004/5331) extended the retail space by 10.6% and created the current barn-like structure. This has been used as a template for the proposed new extension to the side of the existing property. The main issues raised then were;

- Enlargement of an existing shop premises in the open countryside
- Highway safety matters
- Speed limit on the A591

1.10 Development Control Committee made a site visit in February 2008.

2 REPRESENTATIONS

2.1 Six letters of representation have been received from 5 households. The points raised can be summarized as follows:

- Over-development of the site
- The building is too large and out of proportion with others
- The design inappropriate to location
- Concerns about road safety (crossing the A591, both pedestrians and road traffic)
- Increase in traffic (noise & pollution)
- Inadequate parking
- Increase in litter
• Light pollution that will harm amenity
• Adverse affect on wildlife
• Landscaping

3 POLICY

3.1 The following policies are applicable to the proposed development:

Cumbria and Lake District Joint Structure Plan 2001-2016

ST1 (A Sustainable Vision for Cumbria)
ST2 (Assessing impact on sustainability)
ST3 (Principles applying to all new development)
ST7 (Rural Development)
ST12 (Lake District National Park)
EM15 (Employment development in rural areas)
EM16 (Tourism)

Lake District National Park Local Plan

NE1 (Open Countryside Development)
BE1 (Roof and Wall Materials)
R2 (Development outside Central Shopping Areas)
R7 (Shops in the Open Countryside)
TR4 (Development and the Local Road Network)

4 ASSESSMENT

Would the development be acceptable in principle?

4.1 The site is outside of any development boundary and therefore is considered open countryside in policy terms.

4.2 The development is for an extension of an existing building. It is wholly contained within the car park. There is no extension to its boundary. I am satisfied that the proposal is closely integrated with existing uses and therefore complies with the broad thrust of Policies NE1 & ST3 and ST7. Under Policy R7 of the Local Plan, new retail development located in the open countryside will not normally be permitted. However, the proposal is an extension to an existing retail business rather than the development of a new one and consolidates the existing office/storage space within the new extension. In principle I would not consider that an extension of an appropriate scale and design would conflict with this policy.

4.3 The site is next to the busy A591 and in a location with high traffic speeds. The proposal would increase retail floor space by 126 metres. This will increase the volume of traffic to and from the site, which could lead to the risk of more accidents when approaching and exiting the site. Policy TR4 seeks to ensure that any new development that places strain upon this existing road network will not be permitted, unless a solution to mitigate the risks is found. This application proposes several measures designed to reduce risk to road safety. These are examined later.
4.4 'Oakland' is a modern detached bungalow probably built in the 1960's. It has no particular architectural or historic merit and being situated so close to the retail unit is unlikely to be suitable as a separate dwelling.

Is the scale and design appropriate to the host building and the character of the area?

4.5 The existing buildings resemble two "barn like" structures laid end to end, parallel to the A591. They are built from stone and slate and are, in my opinion, attractive in appearance and wholly appropriate to this open countryside location.

4.6 Although there is not an obvious vernacular style or tradition to the locality, in my opinion the scale and proportions of the existing buildings appear to blend in well with their local environment. They are not assertive or out of character.

4.7 In part the proposed extensions are not too dissimilar in design to what is already there. The roof lines for example are generally similar and use a combination of stone and slate to the main public areas. But the atrium is different. It is taller by 3.2m and it is wider by 1.5m. It has a hexagonal roof rather than a traditional double pitched roof. And apart from the slate that is proposed for part of its roof most of its external facade to the public areas is covered by glass. It would look and feel very different to the buildings nearby. And I believe that it will appear more prominent and noticeable from the A591.

4.8 I can fully understand the desire for the business to evolve and grow and I can appreciate why the glass atrium has been designed in the way it has because the current entrance to the shop is not obvious and because the location of the business itself is not readily apparent from the A591 until you are almost opposite it. But I am not convinced about the design.

4.9 The proposed atrium is an unconventional way of designing an extension. It is not subservient in scale to the host building and the materials other than the roof are different. In my opinion it is both bold and assertive and more appropriate to an urban setting. If the atrium was seen in the context of other more modern buildings, particularly taller ones, then I would be less concerned. But that is not the case here. The existing retail unit is low and linear in appearance. It resembles a traditional barn and its impact from the road is recessive in nature. The atrium building is by contrast very modern and assertive. I am not convinced that the marriage between the old and the new is the right one and whilst I believe that the design is interesting I do not think that it draws inspiration from its surroundings or that it is compatible with the character of the existing buildings.

Would the development adversely affect residential amenity?

4.10 The nearest dwelling 'Crows Nest' is approximately 19 metres from the new extension. There is 1 new window to the rear of the property; however the room is for storage purposes. I am therefore satisfied that the proposed extension will not overlook any property within the vicinity.
4.11 The retail unit has traded for the past 14 years and its use will not change with the development of the new extension. Whilst the use will intensify if this proposal is approved; in my opinion the impact will not be significant.

4.12 With the increase in retail space, the amount of traffic is bound to increase. This may cause more noise pollution & congestion. However, I believe that the impact on local residents will not be significant due to noise levels already prevalent on the A591.

4.13 Plantation Bridge comprises a mix of single and two storey dwelling houses, of varying designs, set in generously sized plots. The Lakeland Great Outdoors building is not closely related to residential properties due to the distance between them and the mature trees surrounding the site. I am of the opinion that there would not be unacceptable impact on their amenities caused by these proposals.

4.14 In terms of light pollution from the glass atrium, there will undeniably be more 'light spillage' particularly during winter. However, the site is adjacent to a BP service station, which has 2 large illuminated totem 'prices' poles and the existing building has a large 'barn-like' sales window; both create 'light spillage'. In my opinion the glazed section will not significantly worsen that situation to the extent that it will be 'materially' harmful to residential amenity or vehicular safety.

Would the development adversely affect highway safety?

4.15 The existing access that serves Lakeland Great Outdoors from the A591 is well established but it is very tight. There is a deceleration lane for south bound traffic towards Kendal. But then vehicles have to turn sharp left to enter into the car park. The turn is sharp and sometimes vehicles have to give way to others emerging from the car park.

4.16 The access on to the A591 is again well established but road users have to be very aware of traffic turning left beyond the retail unit to get access to the petrol filling station. There is a risk of accidents here. Similarly, for traffic travelling north towards Keswick any visitors to the retail unit have to cross the south bound traffic flow. There is currently a right hand turn lane in the central reservation allowing vehicles that are north bound to turn into the existing garage. The applicant is proposing to extend this right hand turn lane further north so that it finishes opposite Lakeland Great Outdoors building. This will assist in ensuring a free flow of traffic.

4.17 As Members will know however, this is often a very busy road where traffic speeds are fast. When this application was first proposed I was concerned that any traffic emerging onto the A591, or from it, might be at risk of accidents. This was a view shared by local residents and the Parish Council. I therefore asked the Highway Authority to consider very carefully the issue of road danger when assessing this proposal. They have now confirmed that providing the existing access is slightly remodelled, and that the right hand turn lane is extended towards Lakeland Great Outdoors, then the proposal is
acceptable in highway safety terms. I remain concerned about this but accept that the safety issue has now been addressed.

4.18 The proposed extension would occupy part of the existing car park area and affect the circulation of traffic within its business curtilage. However, with the demolition of 'Oakland' there will be a net addition of five car park spaces. The Highway Authority has again indicated that they have no objections to this proposal and consider the capacity of the car park to be adequate.

Committee is recommended to:

REFUSE for the following reasons

1. By reason of its height, form, scale and materials the proposed atrium would fail to harmonize with the architectural qualities of the host building and would appear as a discordant and over-assertive feature that results in harm to the character and appearance of the area. As such it is considered that the proposal is contrary to the provisions of Policy ST3 of the Cumbria and Lake District Joint Structure Plan 2001-2016, criterion 7, that aims to ensure high standards of design that respect and enhance the distinctive character of the landscape.

BACKGROUND PAPERS: Background papers are available for inspection on the planning application file unless otherwise specified on that file as confidential by reasons of financial/personal circumstances in accordance with the Local Government (Access to Information) Act 1985.
Appeal Decision
Hearing held and site visit made on
9 June 2009

by Victor Crumley DipTP DMNS RTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Appeal Ref: APP/Q9495/A/09/209759
Lakeland Great Outdoors Ltd, Plantation Bridge, Staveley, Kendal, Cumbria LA8 9JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Lakeland Great Outdoors Ltd against the decision of the Lake District National Park Authority.
- The development proposed is described as 'extension to shop premises to include tourist information centre and demolition of office and storeroom'.

Procedural matters
1. Although the development proposed was described as set out above, I consider that it would be more accurately described as 'extension to shop premises comprising storeroom, office, retail space and tourist information centre'.

Decision
2. I dismiss the appeal.

Main issues
3. I consider the main issues in this appeal to be:
   a) the effect of the entrance atrium proposed on the character and appearance of the building and the immediate surroundings;
   b) the effect of the traffic generated by the proposal on road safety.

Reasons

Character and appearance
4. The appellant company operates an outdoor equipment shop in an attractive, modern building of traditional appearance with main road frontage in the small hamlet of Plantation Bridge. To the rear of the shop, and detached from it is a former dwelling, now used as a store and office, which is considered to be inadequate and is to be removed. A new building similar to the existing shop, and set at right angles to it, would accommodate a new storage facility and office, while a small extension to the existing retail building is also proposed. The two buildings would be linked by an octagonal-shaped glazed atrium which would provide a new entrance to the buildings and accommodate a tourist information centre.
5. The existing retail building is attractively built of local stone and slate, and in its shape, massing and details of openings has the appearance of a rural barn. The new storage building now proposed would be of similar appearance. By contrast, the entrance atrium would be glazed except for a slate canopy, would be octagonal in plan and have a conical slate roof with a glazed lantern. The roof structure would be wholly above the ridge of the 'barns'. The overall height of the new entrance atrium would be 10m, some 3.5m higher than the ridge height of the existing building. The appellant argued that the glazed atrium was not designed to attract the attention of people in passing vehicles, but to create a distinctive and attractive entrance to the building for people on the site, and to provide a prominent position for the display of tourist information. It was also argued to be an effective and attractive method of achieving the right-angled junction between the existing shop and the proposed storage building.

6. I accept that the siting and wooded surroundings of the atrium would mean that it would not be highly visible to passing traffic, and I acknowledge the importance of designing the building to give prominence to the entrance. However, while its glazed structure would be transparent and would have a 'light-weight' appearance, its size, extensive glazing and distinctly modern form would dominate the appearance of the scheme as a whole, and would not fit in well with the low-key, local rural character of the existing building. In my view the atrium building would be more appropriate in a larger urban commercial setting. The commercial function here is set in a small village in a National Park, and I consider that the extension proposed should respect this. The atrium proposal is not the only means by which improved access to the building and a better tourism information service could be achieved. I conclude that its appearance would not reflect the character and appearance of the existing building or the immediate surroundings.

7. Government advice set out in 'Planning Policy Statement 1: Delivering Sustainable Development' (PPS 1) stresses (in paras. 34 and 36) the importance of good design, and the need to reflect the local context of the development. This is further emphasised in PPS 7 (para. 12). The need for development to reflect its setting is also reflected in Policy DP7 of the Regional Spatial Strategy for the North West of England. I conclude that the proposal would contravene the advice in these sources.

Road safety

8. Immediately to the south of the shop is a petrol filling station. Both premises front on to the A591 road which provides a main route to and from the Lake District. The access to both premises from the north is from a short deceleration lane, and from the south by means of a right-turning lane in the centre of the carriageway. There is in my view considerable scope for confusion and conflict between drivers entering and leaving both premises; this is compounded by the high speeds of traffic on the main road, and the presence of a number of private accesses. I consider the existing arrangements to be distinctly hazardous, and I have sympathy with the general safety concerns expressed by the National Park Authority (NPA) and residents.

9. The appellant calculated that the modest additional retail space proposed would result in the addition of just 14 additional car trips to and from the site per day.
No change in service traffic was anticipated. These figures have not been disputed by the NPA or the Highway Authority (HA). The NPA, supported by local residents, argued that any additional traffic using the entrance to the appeal site car park would make the existing situation worse. However, the HA advised that the extension of the central waiting lane to provide for right-turning traffic into the appeal site would offer safety improvements. I agree with this view, and I also consider that further improvements could be achieved by improved lining and minor works at the junction between the site access and the highway. This could be achieved through a condition of any planning permission. In these circumstances, in spite of my concern about the present arrangements, I accept that the small additional traffic generation from the proposal would not materially harm road safety, and could promote limited improvements. I conclude that the proposal would not conflict with Policy TR4 of the Lake District National Park Local Plan.

Conclusion

10. Although I accept that the proposal would not be harmful to road safety, I have determined that the entrance atrium would not respect the character and appearance of the existing buildings or the immediate surroundings. I consider that this outweighs the absence of harm to road safety, and I therefore conclude that the appeal should be dismissed and planning permission refused.

Victor Crumley

INSPECTOR
APPEARANCES

FOR THE APPELLANT

Mr Keith Jones  Steve Abbott Associates, Wigan, Agents
Mr Philip Chadwick  Savage and Chadwick, Kendal, Architects
Mr Colin Hartley  Appellant

FOR THE NATIONAL PARK AUTHORITY

Mr Neil Henderson  Planner

THIRD PARTIES

Mr Alan Barnes  Gale Syke, Plantation Bridge
Mr John Kaye  Crows nest, Plantation Bridge
Mr Brian Newton-Taylor  Heathcote, Plantation Bridge

DOCUMENTS

No additional documents were submitted to the Hearing.

PLANS

Plans 1-2  Application plans

PHOTOGRAPHS AND VISUAL REPRESENTATIONS

Drawings 1-4  Application drawings